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THE

WORKS

OF

THE RIGHT HONOURABLE

EDMUND BURKE.

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A NEW EDITION.

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INTRODUCTION.

TO

THE RIGHT HONOURABLE

THE LORD VISCOUNT MILTON,

ONE OF THE REPRESENTATIVES IN THE COMMONS HOUSE OF PARLIAMENT FOR THE COUNTY OF YORK.

MY DEAR LORD,

I AM persuaded, that your Lordship will not be displeased to see your name inscribed, at the beginning of an Introduction to the fourth volume of Mr. Burke's posthumous works. The hereditary interest, which you possess, in whatever regards the publick labours of that great Man and distinguished Statesman, will form, I trust, but a small part of your claim to such a distinction. Your father, and your great-uncle the late Marquess of Rockingham, in addition to the happiness, which they enjoyed, of his personal intimacy and friendship, had also the gratification of being in a high degree instrumental in the direction of those labours to the service of their country. I well remember, that Mr. Burke manifested no ordinary sensation of joy at your birth; an event, which he considered

to be intimately connected with the essential interests of the nation. The heir to a title conveying the right to a seat in the legislative councils of the nation, and to a landed property, among the first in value and amplitude; the future Head of a family, whose alliances and connexions spread its influence through a wide range of social and political intercourse, and gave it a sensible and permanent weight in all matters of State, could not be regarded by him with indifference. Nor will this appear extraordinary, when it is considered, that the principles of the party, of which he knew, you would almost necessarily become a distinguished member, and probably an eminent support; principles founded upon the basis of political liberty, and calculated, in their practical application, to promote its security in this nation—had been more philosophically developed, and more accurately defined, more systematically arranged, and applied with more profound wisdom to their practical object, by him, than by any other person; principles too, not less warmly cherished in his heart, than firmly embraced by his understanding. Disinterested patriotism, he knew, you would imbibe from the lessons of your virtuous parents, and a Whig patriot alone was to be expected from the house of Wentworth. When he was taken from us, you had not attained

tained an age, that enabled you to profit, as your immediate predecessors had done, by his friendship in private, and co-operation in publick life. But hereditary veneration for his character, and the studious perusal of his writings, have, in a great degree, supplied that loss. Had he lived to know how firmly and zealously you are attached to the principles which he had invariably maintained, and how steadily and manfully you come forward, upon all occasions, to their support, he would have derived from that knowledge, in the present inauspicious state of publick affairs, some consolation at least, perhaps some hope of better times; notwithstanding the triumphant career, which lies open to the enemies of Whiggism, in consequence of divisions within itself, and the apathy of the people from without.

In the mind of Mr. Burke political principles were not objects of barren speculation. Wisdom in him was always practical. Whatever his understanding adopted as truth, made its way to his heart, and sunk deep into it; and his ardent and generous feelings seized with promptitude and eagerness every occasion of applying it to the use of mankind. How large a portion of an active and laborious life was thus employed, will be seen in our future history of it. Where

shall we find recorded exertions of active benevolence, at once so numerous, so varied, and so important, made by one man? Amongst these, the redress of wrongs and the protection of weakness from the oppression of power, were most conspicuous: And of this kind the Impeachment of Mr. Hastings was considered by Mr. Burke, as beyond all comparison the most interesting and momentous.

The volume, which is now inscribed to your Lordship, relates to that proceeding; a proceeding, which that virtuous and enlightened Representative held to be the most important of his parliamentary labours.

The assumption of arbitrary power, in whatever shape it appeared, whether under the veil of legitimacy, or skulking in the disguise of state necessity, or presenting the shameless front of usurpation; whether the prescriptive claim of ascendancy, or the brief career of official authority, or the newly-acquired dominion of a mob*, was the sure object of his detestation and hostility. His endeavours to stifle it in its birth, or to obstruct its march, and impede its progress,

* This is not a fanciful enumeration of possible cases. The reader will find in these Volumes, examples of Mr. Burke's exertions, referable to each particular case.—EDIT.

progress, or to redress its oppressions, will be found to have occupied, in various instances, as I have already said, no small portion of his life. The scale, upon which oppressions of this kind had been exercised in our East Indian possessions, was of such a magnitude, that it required a mind like his to grapple with them. His ardent zeal, and unwearied perseverance, were not more than equal to the task. He well knew, that the impunity of Indian delinquency was demanded by interest too weighty and extensive, and was secured by influence and protection too powerful to be resisted. The event accordingly, did not correspond with his wishes: but the eclât of a triumph was neither necessary to his fame, nor the triumph itself to the satisfaction of his own mind. The real cause, which he advocated, did not depend upon the decision of the court of judicature, before which the Impeachment was tried. From the moment it was voted by the House of Commons, the attainment of its main object, was placed out of the power of his opponents to wrest from him.—The existence of the enormities, with the commission of which the governour general was charged, how much soever the managers might fail in the technical proof of his guilt, required only to be known; and Mr. Burke was firmly persuaded, that by the investigation of the affairs of that

government, resulting from the Trial, and by the publick exposure of the crimes which had been perpetrated, he had not only discharged a sacred and imperative duty, but at the same time had interposed a powerful check to the commission in future of such enormities.

It was from this view of the subject, that he had, a short time before his last sickness, begun to prepare materials for a complete history of the Impeachment. His subsequent inability to proceed in it, was, I know, most sensibly felt by him: and it was among the last requests, he made me, that I would collect and arrange those materials, and publish so much of them, as I might judge fit for publication.

With this desire of my most dear and honoured friend, I am endeavouring to comply. The cultivators of literature will for ever lament the want of his finishing hand. I trust, however, that the substance of the whole of the proceedings will be found in these volumes; and that the philosopher and the statesman will not be insensible of their value. The next volume will contain the speeches, which he made at the close of the Impeachment, and which were continued for nine days.

In

In a subsequent volume, an essay will be made towards a history of his life; comprizing such part of his correspondence, and other fugitive compositions, as may be judged fit for publick perusal. This volume, the termination of my labours, and of our joint trust in editing the posthumous works of Mr. Burke, I purpose dedicating to the Earl, your venerable father. But as it may not be the Divine Will, that I should live to accomplish my intention, you will not, I hope, my dear Lord, refuse permission to my availing myself of this present opportunity of telling the world, how greatly I love him, and how highly I honour him.

Soon after my first acquaintance with him, he succeeded to the splendid possessions of his uncle, the Marquess of Rockingham, my revered master and patron; and, together with them, perhaps I may be permitted to say, to the guardianship of the Whig cause in England and Ireland. From that time his political conduct is well known to his country; for covertly or in concealment, I may confidently assert, he has done nothing. To his country, then, I may safely leave the judgment of that conduct. His political knowledge, and his ability for the administration of publick affairs, are known to those, who have either sat in Council, or have held

held correspondence with him upon political subjects. His official services, indeed, during the late long reign, will not appear frequent in the historic page, nor his name prominently conspicuous in the annals of party; but in the silent operation of those causes, which have hitherto transmitted to us the Constitution, if not unimpaired, perhaps without essential deterioration, through the vicissitudes of that eventful period, and which have rescued it from frequent and imminent dangers, the politician, who looks below the surface of things, will discover abundant proofs of his influence. Ever keeping steadily in his view the essential equipoises of our Constitution, he conceived it to be his paramount duty, however painful the performance of it might be, to endeavour to maintain that balance between its constituent parts, which is necessary to the very existence of the Constitution itself.

If, at one time, he abdicated, as it were, the high rank, which he held as a leader of the old Whig party, by concurring* in such a formation of a new party, as to the jealous eye of the publick, appeared tinged with a factious pursuit of power, and which excited suspicions of a de-

reliction

* The Coalition with Lord North in 1783.

reliction of principles; it was, because he well knew that no such dereliction had taken place, and that there were no other means of combating with effect, that favourite system, which from the beginning of the late reign was directed in all its operations to the very extinction of Whiggism.

If in an alarming exigency, when all constituted authority was threatened with subversion, he submitted* to the painful necessity of acting in separation from men, for whom he entertained the highest esteem, and with whom he had lived in habits of the most intimate friendship, and in concert with those, of whose political conduct he had before generally disapproved, it was for the purpose of discouraging the projects of innovation, which had been avowedly espoused by those who were then called the New Whigs: it was for the purpose of preventing, by strengthening the legitimate operations of government, those inroads upon the Constitution, to which the executive Administration, when weakly formed, is often driven, in popular disturbances, to have recourse: and particularly it was with a well grounded expectation of procuring thereby the accomplishment of a great act of national justice, by the restoration of our Roman Catholic fellow

* The Coalition with Mr. Pitt in 1794, and the formation of Lord Grenville's administration in 1806.

fellow subjects to their political rights. This support of the executive government required no compromise of publick principles; on the contrary, the additional strength acquired by the Administration might both have disposed and enabled it to effectuate measures of salutary reform, of prudent retrenchments of expence, and of necessary economy. On the part of Lord Fitzwilliam, this separation was marked with a moderation, which disarmed the animosity of the friends he had quitted, and left open the avenues to re-union with them, whilst at the same time it indicated the terms and extent of the new alliance, and was a pledge to the People, that the security of their rights, and of the Constitution, was with him the sole object of that alliance.

Afterwards, when the independence of Europe was endangered by an overwhelming force, which nothing but the resources of this country appeared able to resist, he united his endeavours with those of statesmen of the highest character and reputation, to call forth those resources in the support of a war, which, whatever might have been his opinion of its policy at its commencement, he then conceived to be a measure of unavoidable necessity.

Lastly,

Lastly, when, in the discharge of these duties to his country, he was exposed to the effects of political intrigues, he bore the consequences* with that dignity, which naturally belongs to conscious merit, when deprived of any means of being useful.

Whilst I appeal with confidence to the People, for their judgment upon his publick conduct, to those, who are most intimately acquainted with his private life, I may with equal confidence appeal, and ask, By what private virtue is it not eminently distinguished? Is this adulation? His advanced age, and mine, as they remove from me almost all temptation to be a flatterer, may well exempt me from such an imputation. May you, my dear Lord, ever escape its poisonous arts. May your labours in the service of your country procure for you, together with its praise, its confidence; and may that confidence, whilst it is your reward, become in your hands, one of the means of promoting and securing its most valuable interests and

* The dismission of the Coalition Ministry in 1784, and the subsequent discomfiture of the Whig Candidates at the General Election in the same year; his resignation of the Lord Lieutenancy of Ireland in 1795; the dismission of the Grenville Administration in 1807; and Lord Fitzwilliam's removal from the Lord Lieutenancy of Yorkshire in 1819.

and general prosperity. With these and every other good wish, and with the sincerest regard, I remain,

My dear Lord,
Your most obedient humble Servant,
W. ROCHESTER.

P. S.—Some apology seems necessary for the insertion of so much matter, extraneous to the immediate design of this Introduction. I have no other to offer, but the natural garrulity, one of the many infirmities of old age.—If age cannot screen me from the severity of criticism, I must demand from the Publick the indulgence, which I may require, for the venial gratification of private and personal feelings, as no unreasonable compensation for the labour and pains bestowed in preparing these posthumous works for its perusal.

TRIAL

OF

WARREN HASTINGS, ESQ.

THIRD DAY, 15th FEBRUARY 1788.

(MR. BURKE.)

MY LORDS,

THE Gentlemen who have it in command to support the impeachment against Mr. Hastings, have directed me to open the Cause with a general view of the grounds, upon which the Commons have proceeded in their Charge against him. They have directed me to accompany this with another general view of the extent, the magnitude, the nature, the tendency, and the effect of the crimes, which they allege to have been by him committed. They have also directed me to give an explanation (with their aid I may be enabled to give it) of such circumstances, preceding the crimes charged on Mr. Hastings, or concomitant with them, as may tend to elucidate whatever may be found

obscure in the Articles as they stand. To these they wished me to add a few illustrative remarks on the laws, customs, opinions, and manners of the People concerned, and who are the objects of the Crimes we charge on Mr. Hastings.

The several Articles, as they appear before you, will be opened by other Gentlemen with more particularity, with more distinctness, and, without doubt, with infinitely more ability, when they come to apply the Evidence, which naturally belongs to each Article of this accusation. This, my Lords, is the plan, which we mean to pursue on the great Charge, which is now to abide your judgment.

My Lords, I must look upon it as an auspicious circumstance to this cause, in which the honour of the kingdom and the fate of many nations are involved, that, from the first commencement of our Parliamentary process to this the hour of solemn Trial, not the smallest difference of opinion has arisen between the two Houses.

My Lords, there are persons, who, looking rather upon what was to be found in our records and histories, than what was to be expected from the publick justice, had formed hopes consolatory to themselves and dishonourable to us. They flattered themselves, that the corruptions

ruptions of India would escape amidst the dissensions of Parliament. They are disappointed. They will be disappointed in all the rest of their expectations, which they have formed upon every thing, except the merits of their Cause. The Commons will not have the melancholy unsocial glory of having acted a solitary part in a noble, but imperfect, work. What the greatest Inquest of the Nation has begun, its highest Tribunal will accomplish. At length justice will be done to India. It is true, that your Lordships will have your full share in this great achievement; but the Commons have always considered, that whatever honour is divided with you is doubled on themselves.

My Lords, I must confess, that amidst these encouraging prospects the Commons do not approach your Bar without awe and anxiety. The magnitude of the interests, which we have in charge, will reconcile some degree of solicitude for the event with the undoubting confidence, with which we repose ourselves upon your Lordships justice. For we are men, my Lords; and men are so made, that it is not only the greatness of danger, but the value of the adventure, which measures the degree of our concern in every undertaking. I solemnly assure your Lordships, that no standard is sufficient to estimate the value, which the Com-

mons set upon the event of the Cause they now bring before you. My Lords, the business of this day is not the business of this man—it is not solely, whether the Prisoner at the Bar be found innocent, or guilty; but whether millions of mankind shall be made miserable, or happy.

Your Lordships will see in the progress of this Cause, that there is not only a long connected, systematick series of misdemeanours, but an equally connected system of maxims and principles, invented to justify them. Upon both of these you must judge. According to the judgment, that you shall give upon the past transactions in India, inseparably connected as they are with the principles, which support them, the whole character of your future Government in that distant empire is to be unalterably decided. It will take its perpetual tenour, it will receive its final impression, from the stamp of this very hour.

It is not only the interest of India, now the most considerable part of the British Empire, which is concerned, but the credit and honour of the British Nation itself will be decided by this decision. We are to decide by this judgment, whether the crimes of individuals are to be turned into publick guilt and national ignominy; or whether this Nation will convert the very offences, which have thrown a transient shade upon its Government,

Government, into something, that will reflect a permanent lustre upon the honour, justice, and humanity of this Kingdom.

My Lords, there is another consideration, which augments the solicitude of the Commons, equal to those other two great interests I have stated, those of our Empire and our national character; something, that, if possible, comes more home to the hearts and feelings of every Englishman: I mean, the interests of our Constitution itself, which is deeply involved in the event of this Cause. The future use, and the whole effect, if not the very existence, of the process of an Impeachment of High Crimes and Misdemeanours before the Peers of this Kingdom, upon the Charge of the Commons, will very much be decided by your judgment in this Cause. This Tribunal will be found (I hope it will always be found) too great for petty causes: if it should at the same time be found incompetent to one of the greatest; that is, if little offences, from their minuteness, escape you, and the greatest, from their magnitude, oppress you; it is impossible, that this form of trial should not, in the end, vanish out of the Constitution. For we must not deceive ourselves: whatever does not stand with credit cannot stand long. And if the Constitution should be deprived, I do not mean in form, but virtually, of this resource, it is virtually

deprived of every thing else, that is valuable in it. For this process is the cement, which binds the whole together; this is the individuating principle, that makes England what England is. In this Court it is, that no subject, in no part of the Empire, can fail of competent and proportionable justice: here it is, that we provide for that, which is the substantial excellence of our Constitution; I mean, the great circulation of responsibility, by which (excepting the supreme power) no man, in no circumstance, can escape the account, which he owes to the laws of his country. It is by this process, that magistracy, which tries and controls all other things, is itself tried and controled. Other constitutions are satisfied with making good subjects; this is a security for good governours. It is by this Tribunal, that statesmen, who abuse their power, are accused by statesmen, and tried by statesmen, not upon the niceties of a narrow jurisprudence, but upon the enlarged and solid principles of state morality. It is here, that those, who by the abuse of power have violated the spirit of law, can never hope for protection from any of its forms:—it is here, that those, who have refused to conform themselves to its perfections, can never hope to escape through any of its defects. It ought, therefore, my Lords, to become our common care to guard this your

precious

precious deposit, rare in its use, but powerful in its effect, with a religious vigilance, and never to suffer it to be either discredited or antiquated. For this great end your Lordships are invested with great and plenary powers: but you do not suspend, you do not supersede, you do not annihilate any subordinate jurisdiction; on the contrary, you are auxiliary and supplemental to them all.

Whether it is owing to the felicity of our times, less fertile in great offences, that those, which have gone before us; or whether it is from a sluggish apathy, which has dulled and enervated the publick justice, I am not called upon to determine: but, whatever may be the cause, it is now sixty-three years since any impeachment,* grounded upon abuse of authority and misdemeanour in office, has come before this Tribunal. The last is that of Lord Macclesfield, which happened in the year 1725. So that the oldest process known to the Constitution of this Country has, upon its revival, some appearance of novelty. At this time, when all Europe is in a state of, perhaps, contagious fermentation; when antiquity has lost all its reverence and all its effect on the minds of men, at the same time that novelty is still attended with the suspicions, that always will be attached to whatever is new; we have been

anxiously careful in a business, which seems to combine the objections both to what is antiquated and what is novel, so to conduct ourselves, that nothing in the revival of this great Parliamentary Process shall afford a pretext for its future disuse.

My Lords, strongly impressed as they are with these sentiments, the Commons have conducted themselves with singular care and caution. Without losing the spirit and zeal of a publick prosecution, they have comported themselves with such moderation, temper, and decorum, as would not have ill become the final judgment, if with them rested the final judgment, of this great Cause.

With very few intermissions, the affairs of India have constantly engaged the attention of the Commons for more than fourteen years. We may safely affirm, we have tried every mode of legislative provision, before we had recourse to any thing of penal process. It was in the year 1774 we framed an Act of Parliament for remedy to the then existing disorders in India, such as the then information before us enabled us to enact. Finding, that the Act of Parliament did not answer all the ends, that were expected from it, we had, in the year 1782, recourse to a body of monitory resolutions. Neither had we the expected fruit from them.

When

When, therefore, we found, that our inquiries and our reports, our laws and our admonitions, were alike despised; that enormities increased in proportion as they were forbidden, detected, and exposed; when we found, that guilt stalked with an erect and upright front, and that legal authority seemed to skulk and hide its head like outlawed guilt; when we found, that some of those very persons, who were appointed by Parliament to assert the authority of the laws of this kingdom, were the most forward, the most bold, and the most active, in the conspiracy for their destruction; then it was time for the justice of the Nation to recollect itself. To have forborn longer would not have been patience, but collusion; it would have been participation with guilt; it would have been to make ourselves accomplices with the criminal.

We found it was impossible to evade painful duty, without betraying a sacred trust. Having, therefore, resolved upon the last and only resource, a penal prosecution, it was our next business to act in a manner worthy of our long deliberation. In all points we proceeded with selection. We have chosen (we trust, it will so appear to your Lordships) such a crime, and such a criminal, and such a body of evidence, and such a mode of process, as would have recommended

commended this course of justice to posterity, even if it had not been supported by any example in the practice of our forefathers.

First, to speak of the process: we are to inform your Lordships, that, besides that long previous deliberation of fourteen years, we examined, as a preliminary to this proceeding, every circumstance, which could prove favourable to parties apparently delinquent, before we finally resolved to prosecute. There was no precedent to be found, in the Journals, favourable to persons in Mr. Hastings's circumstances, that was not applied to. Many measures utterly unknown to former Parliamentary proceedings, and which, indeed, seemed in some degree to enfeeble them, but which were all to the advantage of those, that were to be prosecuted, were adopted, for the first time, upon this occasion. —In an early stage of the proceeding, the Criminal desired to be heard. He was heard; and he produced before the Bar of the House that insolent and unbecoming paper, which lies upon our table. It was deliberately given in by his own hand, and signed with his own name. The Commons, however, passed by every thing offensive in that paper with a magnanimity, that became them. They considered nothing in it, but the facts, that the Defendant alleged,

and

and the principles he maintained; and after a deliberation, not short of judicial, we proceeded with confidence to your Bar.

So far as to the process; which, though I mentioned last in the line and order, in which I stated the objects of our selection, I thought it best to dispatch first.

As to the crime, which we chose, we first considered well what it was in its nature, under all the circumstances, which attended it. We weighed it with all its extenuations, and with all its aggravations. On that review we are warranted to assert, that the crimes, with which we charge the Prisoner at the Bar, are substantial crimes; that they are no errours or mistakes, such as wise and good men might possibly fall into; which may even produce very pernicious effects, without being in fact great offences. The Commons are too liberal, not to allow for the difficulties of a great and arduous publick situation. They know too well the domineering necessities, which frequently occur in all great affairs. They know the exigency of a pressing occasion, which, in its precipitate career, bears every thing down before it, which does not give time to the mind to recollect its faculties, to reinforce its reason, and to have recourse to fixed principles, but, by compelling an instant and tumultuous decision, too often obliges

obliges men to decide in a manner, that calm judgment would certainly have rejected. We know, as we are to be served by men, that the persons, who serve us, must be tried as men, and with a very large allowance indeed to human infirmity and human errour. This, my Lords, we knew, and we weighed before we came before you. But the crimes, which we charge in these Articles, are not lapses, defects, errours, of common human frailty, which, as we know and feel, we can allow for. We charge this Offender with no crimes, that have not arisen from passions, which it is criminal to harbour; with no offences, that have not their root in avarice, rapacity, pride, insolence, ferocity, treachery, cruelty, malignity of temper; in short, in nothing, that does not argue a total extinction of all moral principle; that does not manifest an inveterate blackness of heart, died in grain with malice, vitiated, corrupted, gangrened to the very core. If we do not plant his crimes in those vices, which the breast of man is made to abhor, and the spirit of all laws, human and divine, to interdict, we desire no longer to be heard upon this occasion. Let every thing, that can be pleaded on the ground of surprise or errour, upon those grounds be pleaded with success: we give up the whole of those predicaments. We urge no crimes, that were not

not crimes of forethought. We charge him with nothing, that he did not commit upon deliberation; that he did not commit against advice, supplication, and remonstrance; that he did not commit against the direct command of lawful authority; that he did not commit after reproof and reprimand, the reproof and reprimand of those, who are authorized by the laws to reprove and reprimand him. The crimes of Mr. Hastings are crimes not only in themselves, but aggravated by being crimes of contumacy. They were crimes, not against forms, but against those eternal laws of justice, which are our rule and our birthright. His offences are not, in formal, technical language, but in reality, in substance and effect, *High* Crimes and High Misdemeanours.

So far as to the Crimes. As to the Criminal, we have chosen him on the same principle, on which we selected the crimes. We have not chosen to bring before you a poor, puny, trembling delinquent, misled, perhaps, by those, who ought to have taught him better, but who have afterwards oppressed him by their power, as they had first corrupted him by their example. Instances there have been many, wherein the punishment of minor offences, in inferiour persons, has been made the means of screening crimes of an high order, and in men of high description.

description. Our course is different. We have not brought before you an obscure offender, who, when his insignificance and weakness are weighed against the power of the prosecution, gives even to publick justice something of the appearance of oppression; no, my Lords, we have brought before you the first Man of India in rank, authority, and station. We have brought before you the Chief of the tribe, the Head of the whole body of Eastern offenders; a Captain-general of iniquity, under whom all the fraud, all the peculation, all the tyranny, in India, are embodied, disciplined, arrayed, and paid. This is the person, my Lords, that we bring before you. We have brought before you such a person, that, if you strike at him with the firm and decided arm of justice, you will not have need of a great many more examples. You strike at the whole corps, if you strike at the head.

So far as to the Crime: so far as to the Criminal. Now, my Lords, I shall say a few words relative to the Evidence, which we have brought to support such a Charge, and which ought to be equal in weight to the Charge itself. It is chiefly evidence of record, officially signed by the Criminal himself in many instances. We have brought before you his own letters, authenticated by his own hand. On these we chiefly rely. But we shall likewise

wise bring before you living witnesses, competent to speak to the points, to which they are brought.

When you consider the late enormous power of the Prisoner; when you consider his criminal, indefatigable assiduity in the destruction of all recorded evidence; when you consider the influence he has over almost all living testimony; when you consider the distance of the scene of action; I believe your Lordships, and I believe the world, will be astonished, that so much, so clear, so solid, and so conclusive evidence of all kinds has been obtained against him. I have no doubt, that in nine instances in ten the evidence is such as would satisfy the narrow precision supposed to prevail, and to a degree rightly to prevail, in all subordinate power and delegated jurisdiction. But your Lordships will maintain, what we assert and claim as the right of the subjects of Great Britain—that you are not bound by any rules of evidence, or any other rules whatever, except those of natural, immutable, and substantial justice.

God forbid the Commons should desire, that any thing should be received as proof from them, which is not by nature adapted to prove the thing in question. If they should make such a request, they would aim at overturning the

the very principles of that justice, to which they resort. They would give the Nation an evil example, that would rebound back on themselves, and bring destruction upon their own heads, and on those of all their posterity.

On the other hand, I have too much confidence in the learning, with which you will be advised, and the liberality and nobleness of the sentiments, with which you are born, to suspect, that you would, by any abuse of the forms, and a technical course of proceeding, deny justice to so great a part of the world, that claims it at your hands. Your Lordships always had an ample power, and almost unlimited jurisdiction; you have now a boundless object. It is not from this district, or from that parish, not from this city, or the other province, that relief is now applied for: exiled and undone princes, extensive tribes, suffering nations, infinite descriptions of men, different in language, in manners, and in rites—men, separated by every barrier of nature from you, by the providence of God are blended in one common cause, and are now become suppliants at your Bar. For the honour of this Nation, in vindication of this mysterious providence, let it be known, that no rule formed upon municipal maxims (if any such rule exists) will prevent the course of that imperial justice, which you owe to the people, that call to you from all

parts

parts of a great disjointed world. For, situated as this kingdom is, an object, thank God, of envy to the rest of the nations; its conduct in that high and elevated situation will undoubtedly be scrutinized with a severity as great as its power is invidious.

It is well known, that enormous wealth has poured into this country from India through a thousand channels, publick and concealed; and it is no particular derogation from our honour to suppose a possibility of being corrupted by that, by which other empires have been corrupted, and assemblies, almost as respectable and venerable as your Lordships, have been directly or indirectly vitiated. Forty millions of money, at least, have within our memory been brought from India into England. In this case the most sacred judicature ought to look to its reputation. Without offence we may venture to suggest, that the best way to secure reputation is, not by a proud defiance of publick opinion, but by guiding our actions in such a manner, as that publick opinion may in the end be securely defied, by having been previously respected and dreaded. No direct false judgment is apprehended from the Tribunals of this country. But it is feared, that partiality may lurk and nestle in the abuse of our forms of proceeding. It is necessary, therefore, that nothing

in that proceeding should appear to mark the slightest trace, should betray the faintest odour, of chicane. God forbid, that, when you try the most serious of all causes, that when you try the cause of Asia in the presence of Europe, there should be the least suspicion, that a narrow partiality, utterly destructive of justice, should so guide us, that a British Subject in power should appear in substance to possess rights, which are denied to the humble allies, to the attached dependents of this kingdom, who by their distance have a double demand upon your protection, and who, by an implicit (I hope not a weak and useless) trust in you, have stripped themselves of every other resource under heaven.

I do not say this from any fear, doubt, or hesitation, concerning what your Lordships will finally do, none in the world; but I cannot shut my ears to the rumours, which you all know to be disseminated abroad. The abusers of power may have a chance to cover themselves by those fences and intrenchments, which were made to secure the liberties of the people against men of that very description. But God forbid it should be bruited from Pekin to Paris, that the Laws of England are for the rich and the powerful; but to the poor, the miserable, and defenceless, they afford no resource at all. God forbid it should be said, no nation is equal to the English in *substantial* violence and in *formal* justice—

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that in this kingdom we feel ourselves competent to confer the most extravagant and inordinate powers upon publick ministers, but that we are deficient, poor, helpless, lame, and impotent in the means of calling them to account for their use of them. An opinion has been insidiously circulated through this kingdom, and through foreign nations too, that, in order to cover our participation in guilt, and our common interest in the plunder of the East, we have invented a set of scholastick distinctions, abhorrent to the common sense, and unpropitious to the common necessities, of mankind; by which we are to deny ourselves the knowledge of what the rest of the world knows, and what so great a part of the world both knows and feels. I do not deprecate any appearance, which may give countenance to this aspersion, from suspicion, that any corrupt motive can influence this Court; I deprecate it from knowing, that hitherto we have moved within the narrow circle of municipal justice. I am afraid, that, from the habits acquired by moving within a circumscribed sphere, we may be induced rather to endeavour at forcing nature into that municipal circle, than to enlarge the circle of national justice to the necessities of the Empire we have obtained.

This is the only thing, which does create any doubt or difficulty in the minds of sober people.

But there are those, who will not judge so equitably. Where two motives, neither of them perfectly justifiable, may be assigned, the worst has the chance of being preferred. If, from any appearance of chicane in the Court, justice should fail, all men will say, better there were no tribunals at all. In my humble opinion, it would be better a thousand times to give all complainants the short answer the Dey of Algiers gave a British Ambassadour, representing certain grievances suffered by the British merchants,—"My friend," (as the story is related by Dr. Shawe) "do not you know, that my subjects are a band of robbers, and that I am their captain?"—better it would be a thousand times, and a thousand thousand times more manly, than an hypocritical process, which, under a pretended reverence to punctilious ceremonies and observances of law, abandons mankind, without help and resource, to all the desolating consequences of arbitrary power. The conduct and event of this Cause will put an end to such doubts, wherever they may be entertained. Your Lordships will exercise the great plenary powers, with which you are invested, in a manner, that will do honour to the protecting justice of this kingdom, that will completely avenge the great people, who are subjected to it. You will not suffer your proceedings to be squared by any rules, but by their necessities,

necessities, and by that law of a common nature, which cements them to us, and us to them. The reports to the contrary have been spread abroad with uncommon industry; but they will be speedily refuted by the humanity, simplicity, dignity, and nobleness of your Lordships justice.

Having said all, that I am instructed to say, concerning the process, which the House of Commons has used, concerning the Crimes, which they have chosen, concerning the Criminal, upon whom they attach the crimes, and concerning the Evidence, which they mean to produce; I am now to proceed to open that part of the business, which falls to my share. It is rather an explanation of the circumstances, than an enforcement of the crimes.

Your Lordships of course will be apprized, that this Cause, is not what occurs every day in the ordinary round of municipal affairs; that it has a relation to many things, that it touches many points in many places, which are wholly removed from the ordinary beaten orbit of our English affairs. In other affairs, every allusion immediately meets its point of reference; nothing can be started, that does not immediately awaken to your attention something in your own laws and usages, which you meet with every day in the ordinary transactions of life. But here you are

caught, as it were, into another world; you are to have the way pioneered before you. As the subject is new, it must be explained; as it is intricate as well as new, that explanation can be only comparatively short: and therefore, knowing your Lordships to be possessed, along with all other judicial virtues, of the first and foundation of them all, judicial patience, I hope, that you will not grudge a few hours to the explanation of that, which has cost the Commons fourteen years assiduous application to acquire—that your Lordships will not disdain to grant a few hours to what has cost the people of India upwards of thirty years of that innate, inveterate, hereditary patience to endure.

My Lords, the powers, which Mr. Hastings is charged with having abused, are the powers delegated to him by the East India Company. The East India Company itself acts under two very dissimilar sorts of powers, derived from two sources very remote from each other. The first source of its power is under charters, which the Crown of Great Britain was authorized by Act of Parliament to grant; the other is from several charters derived from the Emperour of the Moguls, the person, in whose dominions they were chiefly conversant:—particularly that great charter, by which, in the year 1766, they acquired the High Stewardship of the kingdoms of Bengal, Bahar,

Bahar, and Orissa. Under those two bodies of charters, the East India Company, and all their Servants, are authorized to act.

As to those of the first description, it is from the British charters, that they derive the capacity, by which they are considered as a publick body, or at all capable of any publick function. It is from thence they acquire the capacity to take from any power whatsoever any other charter, to acquire any other offices, or to hold any other possessions. This, being the root and origin of their power, renders them responsible to the party, from whom all their immediate and consequential powers are derived. As they have emanated from the supreme power of this kingdom, the whole body and the whole train of their servants, the corporate body as a corporate body, individuals as individuals, are responsible to the high justice of this kingdom. In delegating great power to the East India Company, this kingdom has not released its sovereignty; on the contrary, the responsibility of the Company is increased by the greatness and sacredness of the powers, that have been intrusted to it. Attempts have been made abroad to circulate a notion, that the acts of the East India Company, and their servants, are not cognizable here. I hope on this occasion your Lordships will show, that this nation never did give a power, without

annexing to it a proportionable degree of responsibility.

As to their other powers, the Company derives them from the Mogul Empire by various charters from that Crown, and from the great Magistrates of that Crown, and particularly by the Mogul charter of 1765, by which they obtained the Duanni, that is, the office of Lord High Steward of the kingdoms of Bengal, Bahar, and Orissa. By that charter they bound themselves (and bound inclusively all their servants) to perform all the duties belonging to that new office, and to be held by all the ties belonging to that new relation. If the Mogul Empire had existed in its vigour, they would have been bound under that responsibility, to observe the laws, rights, usages, and customs of the natives; and to pursue their benefit in all things. For this duty was inherent in the nature, institution, and purpose of the office, which they received. If the power of the sovereign, from whom they derived these powers, should by any revolution in human affairs be annihilated or suspended, their duty to the people below them, which was created under the Mogul charter, is not annihilated, is not even suspended; and for their responsibility in the performance of that duty, they are thrown back upon that country (thank God, not annihilated) from whence their original power, and all subsequent

quent derivative powers, have flowed. When the Company acquired that high office in India, an English Corporation became an integral part of the Mogul Empire. When Great Britain virtually assented to that grant of office, and afterwards took advantage of it, Great Britain guarantied the performance of all its duties. Great Britain entered into a virtual act of union with that country; by which we bound ourselves as securities to preserve the people in all the rights, laws, and liberties, which their natural original Sovereign was bound to support, if he had been in condition to support them. By the disposition of events the two duties, flowing from two different sources, are now united in one. The people of India therefore come, in the name of the Commons of Great Britain, but in their own right, to the Bar of this House, before the Supreme Royal Justice of this kingdom, from whence originally all the powers, under which they have suffered, were derived.

It may be a little necessary, when we are stating the powers the Company have derived from their charter, and which we state Mr. Hastings to have abused, to state in as short and as comprehensive words as I can (for the matter is large indeed) what the constitution of that Company is; I mean chiefly, what it is in reference to its Indian service, the great theatre of

of the abuse. Your Lordships will naturally conceive, that it is not to inform you, but to revive circumstances in your memory, that I enter into this detail.

You will therefore recollect, that the East India Company had its origin about the latter end of the reign of Elizabeth, a period of projects, when all sorts of commercial adventures, companies, and monopolies, were in fashion. At that time the Company was constituted, with extensive powers for increasing the commerce and the honour of this country; because increasing its commerce, without increasing its honour and reputation, would have been thought at that time, and will be thought now, a bad bargain for the country. The powers of the Company were, under that charter, merely commercial. By degrees, as the theatre of operation was distant; as its intercourse was with many great, some barbarous, and all of them armed nations; nations, in which not only the sovereign but the subjects were armed; it was found necessary to enlarge their powers. The first power they obtained was a power of naval discipline in their ships; a power, which has been since dropped; the next was a power of law martial; the next was a power of civil, and, to a degree, of criminal jurisdiction, within their own factories, upon their own people, and their

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own servants; the next was, and here was a stride indeed, the power of peace and war. Those high and almost incommunicable prerogatives of sovereignty, which were hardly ever known before to be parted with to any subjects, and which, in several States, were not wholly entrusted to the prince or head of the commonwealth himself, were given to the East India Company. That Company acquired these powers about the end of the reign of Charles the Second; and they were afterwards more fully, as well as more legally, given by Parliament after the Revolution. From this time, the East India Company was no longer merely a mercantile Company, formed for the extension of the British commerce; it more nearly resembled a delegation of the whole power and sovereignty of this kingdom, sent into the East. From that time the Company ought to be considered as a subordinate sovereign power; that is, sovereign with regard to the objects, which it touched; subordinate with regard to the power, from whence its great trust was derived. Under these successive arrangements things took a course very different from their usual order. A new disposition took place, not dreamt of in the theories of speculative politicians; and of which few examples, in the least resembling it, have been seen in the modern world, none at all in the

the ancient. In other instances a political body, that acts as a commonwealth, was first settled, and trade followed as a consequence of the protection obtained by political power; but here the course of affairs was reversed. The constitution of the Company began in commerce, and ended in empire. Indeed, wherever the sovereign powers of peace and war are given, there wants but time and circumstance to make these powers supersede every other. The affairs of commerce will fall, at last, into their proper rank and situation. However primary in their original intention, they will become secondary. The possession, therefore, and the power of assertion, of these great authorities, coinciding with the improved state of Europe, with the improved state of arts in Europe, with the improved state of laws, and, what is much more material, the improved state of military discipline, more and more perfected every day with us;—universal improvement in Europe coinciding with the general decay of Asia (for the proud day of Asia is passed); this improvement coinciding with the relaxation and dissolution of the Mogul government, with the decline of its warlike spirit, with the total disuse of the ancient strictness of the military discipline established by Tamerlane;—the India Company came to be what it is—a great Empire, carrying on, subordinately,

dinately, a great commerce: it became that thing, which was supposed by the Roman law irreconcileable to reason and propriety—*eundem Negotiatorem et Dominum:* the same power became the general trader, the same power became the supreme lord.

In this exalted situation the India Company, however, still preserves traces of its original mercantile character. The whole exteriour order of its political service is carried on upon a mercantile plan and mercantile principles. In fact, the East India Company in Asia is a State in the disguise of a merchant. Its whole service is a system of publick offices in the disguise of a counting-house. Accordingly, the whole external order and series of the service, as I observed, is commercial; the principal, the inward, the real, is almost entirely political.

This system of the Company's service, its order and discipline, is necessary to be explained to your Lordships, that you may see in what manner the abuses have affected it. In the first place, all the persons, who go abroad in the Company's civil service, enter as clerks in the counting-house, and are called by a name to correspond to it, *Writers.* In that condition they are obliged to serve five years. The second step is that of a *Factor,* in which they are obliged to serve three years. The third step they take is that

that of a *Junior Merchant*, in which they are obliged to serve three years more. At that period they become *Senior Merchants*, which is the highest stage of advance in the Company's service; a rank, by which they had pretensions, before the year 1774, to the Council, to the succession of the Presidency, and to whatever other honours the Company has to bestow.

The Company had, in its early times, established factories in certain places; which factories, by degrees, grew to the name of Presidencies and Council, in proportion as the power and influence of the Company increased, and as the political began first to struggle with, and at length to predominate over, the mercantile. In this form it continued till the year 1773; when the Legislature broke in, for proper reasons urging them to it, upon that order of the service, and appointed to the superiour department persons, who had no title to that place under the ordinary usage of the service. Mr. Hastings and Mr. Barwell, whatever other titles they might have had, held solely under the Act of Parliament nominating them to that authority; but in all other respects, except where the act and other subsequent acts have not broken in upon it, the whole course of the service remains upon the ancient footing, that is, the commercial footing, as to the gradation and order of service.

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Your Lordships see here a regular series of gradation, which requires eleven years, before any persons can arrive at the highest trusts and situations. You will therefore be astonished, when so long a probationary service was required, that effects, very different from those to be expected from long probation, have happened; and that in a much shorter time than those eleven years you have seen persons returning into this kingdom with affluent, with overbearing fortunes. It will be a great part of your inquiry, when we come before your Lordships to substantiate evidence against Mr. Hastings, to discover how that order came to be so completely broken down and erased, that scarce a trace of it, for any good purpose, remains. Though I will not deny, that that order, or that any order in a state, may be superseded by the ruling power, when great talents, upon pressing exigencies, are to be called forth; yet I must say, the order itself was formed upon wise principles. It furnished the persons, who were put in that course of probation, with an opportunity (if circumstances enabled them) of acquiring experience in business of revenue, trade, and policy. It gave to those, who watched them, a constant inspection of their conduct through all their progress. On the expectants of office it imposed the necessity of acquiring a character

in proportion to their standing; in order that all, which they had gained by the good behaviour of years, should not be lost by the misconduct of an hour. It was a great substantial regulation. But scarce a trace of the true spirit of it remains to be discovered in Mr. Hastings's government; for Mr. Hastings established offices, nay, whole systems of offices, and especially a system of offices in 1781, which being altogether new, none of the rules of gradation applied to them; and he filled those offices in such a manner, as suited best, not the constitution nor the spirit of the service, but his own particular views and purposes. The consequence has been, that persons, in the most immature stages of life, have been appointed to conduct affairs, which required the greatest maturity of judgment, the greatest possible temper and moderation. Effects naturally consequent have followed upon it.—I shall not trouble your Lordships with any further observations on this system of gradation.

I must, however, remark, before I go further, that there is something in the representation of the East India Company, in their Oriental territory, different from that, perhaps, of any other nation, that has ever transported any part of its power from one country to another. The East India Company, in India, is not properly a branch of the British Nation; it is only a deputation of individuals.

individuals. When the Tartars entered into China, when the Arabs and Tartars successively entered into Indostan, when the Goths and Vandals penetrated into Europe, when the Normans forced their way into England; indeed, in all conquests, migrations, settlements, and colonizations, the new people came as the offset of a nation. The Company in India does not exist as a national colony. In effect and substance, nobody can go thither, that does not go in its service. The English in India are nothing but a seminary for the succession of officers. They are a nation of placemen;—they are a commonwealth without a people;—they are a state made up wholly of magistrates. There is nothing to be, in propriety, called people, to watch, to inspect, to balance against the power of office. The power of office, so far as the English nation is concerned, is the sole power in the country. The consequence of which is, that, being a kingdom of magistrates, what is commonly called the *esprit du corps* is strong in it. This spirit of the body predominates equally in all its parts; by which the members must consider themselves as having a common interest, and that common interest separated both from that of the country, which sent them out, and from that of the country in which they act. No control upon them exists; none, I mean, in persons, who understand

their language, who understand their manners, or can apply their conduct to the laws. Therefore, in a body so constituted confederacy is easy, and has been general. Your Lordships are not to expect, that that should happen in such a body, which never happened in any body or corporation; that is, that they should, in any instance, be a proper check and control upon themselves. It is not in the nature of things. The fundamental principle of the whole of the East India Company's system is monopoly in some sense or other. The same principle predominates in the service abroad, and the service at home; and both systems are united into one, animated with the same spirit, that is, with the corporate spirit. The whole, taken together, is such, as has not been seen in the examples of the Moors, the Portuguese, the Spaniards, the Romans; in no old, in no recent examples. The Dutch may resemble it, but they have not an empire properly so denominated. By means of this peculiar circumstance it has not been difficult for Mr. Hastings to embody abuse, and to put himself at the head of a regular system of corruption.

Another circumstance in that service is deserving of notice. Except in the highest parts of all, the emoluments of office do not in any degree correspond with the trust, nor the nature of the office with its name. In other official systems the style,

style, in general, is above the function; here it is the reverse. Under the name of Junior Merchant, Senior Merchant, Writer, and other petty appellations of the counting-house, you have magistrates of high dignity, you have administrators of revenues truly royal;—you have judges civil, and in some respects criminal, who pass judgment upon the greatest properties of a great country. The legal publick emoluments, that belong to them, are very often so inadequate to the real dignity of the character, that it is impossible, almost absolutely impossible, for the subordinate parts of it, which, though subordinate, are stations of power, to exist, as Englishmen, who look at a fortune to be enjoyed at home as their ultimate object, and to exist in a state of perfect incorruption in that service.

In some parts of Europe, it is true, that the greatest situations are often attended with but little emolument; yet still they are filled. Why? Because reputation, glory, fame, the esteem, the love, the tears of joy, which flow from happy sensibility, the honest applauses of a grateful country, sometimes pay the cares, anxieties and toils, which wait on great situations in the commonwealth: and in these, they pay in money what cannot be paid in fame and reputation. It is the reverse in the service of the India Company. Glory is not the lot of subordinated merit; and

all the subordinate parts of the gradation are officers, who, in comparison with the offices and duties entrusted with them, are miserably provided for; whereas the chief of each great Presidency has emoluments securing him against every mode of temptation. But if this has not secured the head, we may easily judge how the members are to be coerced. Mr. Hastings, at the head of the service, with high legal emoluments, has fouled his hands and sullied his government with bribes. He has substituted oppression and tyranny in the place of legal government. With all that unbounded, licentious power, which he has assumed over the publick revenues, instead of endeavouring to find a series of gradual, progressive, honourable, and adequate rewards for the persons, who serve the publick in the subordinate but powerful situations, he has left them to prey upon the people without the smallest degree of control. In default of honest emolument, there is the unbounded license of power; and (as one of the honestest and ablest servants of the Company said to me in conversation) the civil service of the Company resembled the military service of the Marhattas, little pay, but unbounded license to plunder. I do not say, that some of the salaries given in India would not sound well here; but when you consider the nature of the trusts, the dignity of the situation,

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whatever the name of them may be, the powers, that are granted, the hopes, that every man has of establishing himself at home; I repeat, it is a source of infinite grievance—of infinite abuse: of which source of corrupt power we charge Mr. Hastings with having availed himself, in filling up the void of direct pay by finding out and countenancing every kind of oblique and unjust emolument: though it must be confessed, that he is far from being solely guilty of this offence.

Another circumstance, which distinguishes the East India Company, is the youth of the persons, who are employed in the system of that service. The servants have almost universally been sent out to begin their progress and career in active occupation, and in the exercise of high authority, at that period of life, which, in all other places, has been employed in the course of a rigid education. To put the matter in a few words, they are transferred from slippery youth to perilous independence, from perilous independence to inordinate expectations, from inordinate expectations to boundless power. School-boys without tutors, minors without guardians, the world is let loose upon them with all its temptations; and they are let loose upon the world with all the powers, that despotism involves.

It is further remarkable, these servants exercise, what your Lordships are now exercising,

high judicial powers; and they exercise them without the smallest study of any law, either general or municipal. It is made a sort of rule in the service, a rule confirmed even by the attempts, that were made to correct it, (I mean, confirmed by Sir Elijah Impey, when, under the auspices of Mr. Hastings, he undertook to be legislator for India) that the judicial character, the last in the order of legal progress, that, to which all professional men look up as the crown of their labours, that ultimate hope of men grown grey in professional practice, is among the first experimental situations of a Company's servant. It is expressly said in that body of regulations, to which I allude, that the office and situation of a Judge of the Dewanny Courts of Adawlet is to be filled by the *junior* servants of the Company; and, as the judicial emolument is not substantially equal to that of other situations, the office of a Judge is to be taken, as it were *in transitu*, as a passage to other offices not of a judicial nature. As soon, therefore, as a young man has supplied the defects of his education by the advantage of some experience, he is immediately translated to a totally different office; and another young man is substituted to learn at the expense of the property of India, to fill a situation, which, when he may be qualified to all, he is no longer to hold.

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It is in a great measure the same with regard to the other situations. They are the situations of great statesmen, which, according to the practice of the world, require, to fill properly, rather a large converse with men and much intercourse in life, than deep study of books; though that, too, has its eminent service. We know, that in the habits of civilized life, in cultivated society, there is imbibed by men a good deal of the solid practice of government, of the true maxims of state, and every thing, that enables a man to serve his country. But these men are sent over to exercise functions, at which a statesman here would tremble, without any theoretical study, and without any of that sort of experience, which, in mixed societies of business and converse, form men gradually and insensibly to great affairs. Low cunning, intrigue and stratagem, are soon acquired; but manly, durable policy, which never sacrifices the general interest to a partial or momentary advantage, is not so cheaply formed in the human understanding.

Mr. Hastings, in his defence before the House of Commons, and in the defences he has made before your Lordships, has lamented his own situation in this particular. It was much to be lamented indeed. How far it will furnish justification, extenuation, or palliation of his conduct,

when we come to examine that conduct, will be seen.

These circumstances in the system have, in a great degree, vitiated and perverted what is in reality, and many things are in reality, excellent in it. They have rendered the application of all correctives and remedies to abuse, at best, precarious in their operation. The laws, that we have made, the covenants, which the Company has obliged its servants to enter into, the occasional orders that have been given, at least ostensibly good, all have proved noxious to the country, instead of beneficial. To illustrate this point, I beg leave to observe to your Lordships, that the servants of the Company are obliged to enter into that service, not only with an impression of the general duty, which attaches upon all servants, but are obliged to engage, in a specifick covenant with their masters, to perform all the duties described in that covenant (which are all the duties of their relation) under heavy penalties. They are bound to a repetition of these covenants at every step of their progress, from Writer to Factor, from Factor to Junior Merchant, and from Junior Merchant to Senior Merchant. They ought, according to the rule, to renew these covenants at these times by something, (I speak without offence) which may be said

said to resemble Confirmation in the Church. They are obliged to renew their obligation in particular to receive no gifts, gratuities, or presents whatsoever.

This scheme of covenants would have been wise and proper, if it had belonged to a judicious order and rational consistent scheme of discipline. The orders of the Company have forbidden their servants to take any extraneous emoluments. The Act of Parliament has fulminated against them. Clear positive laws, and clear positive private engagements, have no exception of circumstances in them, no difference *quoad majus et minus*, but every one, who offends against the law, is liable to the law. The consequence is this;—he, who has deviated but an inch from the straight line, he, who has taken but one penny of unlawful emolument—and all have taken many pennies of unlawful emolument—does not dare to complain of the most abandoned extortion and cruel oppression in any of his fellow-servants. He, who has taken a trifle perhaps as the reward of a good action, is obliged to be silent, when he sees whole nations desolated around him. The great Criminal, at the head of the service, has the laws in his hand; he is always able to prove the small offence, and crush the person, who has committed it. This is one grand source of Mr. Hastings's power. After he had got the better

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of the Parliamentary Commission, no complaint from any part of the service has appeared against Mr. Hastings. He is bold enough to state it as one presumption of his merit, that there has been no such complaint. No such complaint, indeed, can exist. The spirit of the corps would, of itself, almost forbid it; to which spirit an informer is the most odious and detestable of all characters, and is hunted down, and has always been hunted down, as a common enemy. But here is a new security. Who can complain, or dares to accuse? The whole service is irregular: nobody is free from small offences; and, as I have said, the great offender can always crush the small one. If you examine the correspondence of Mr. Hastings, you would imagine, from many expressions very deliberately used by him, that the Company's service was made out of the very filth and dregs of human corruption; but, if you examine his conduct towards the corrupt body he describes, you would imagine he had lived in the speculative schemes of visionary perfection.

He was fourteen years at the head of that service; and there is not an instance, no, not one single instance, in which he endeavoured to detect corruption—or that he ever, in any one single instance, attempted to punish it; but the whole service, with that whole mass of enormity, which he attributes to it, slept, as it were, at

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once under his terrour and his protection;—under his protection, if they did not dare to move against him; under terrour, from his power to pluck out individuals, and make a publick example of them, whenever he thought fit. And therefore that service, under his guidance and influence, was, beyond even what its own nature disposed it to, a service of confederacy, a service of connivance, a service composed of various systems of guilt, of which Mr. Hastings was the head and the protector. But this general connivance he did not think sufficient to secure to him the general support of the Indian interest. He went further. We shall prove to your Lordships, that, when the Company were driven by shame, not by inclination, to order several prosecutions against delinquents in their service, Mr. Hastings, directly contrary to the duty of his office,—directly contrary to the express and positive law of the Court of Directors, which law Parliament had bound upon him as his rule of action,—not satisfied with his long tacit connivance, ventured, before he left his government and among his last acts, to pass a general act of pardon and indemnity, and at once ordered the whole body of the prosecutions, directed by his masters, the Company, to be discharged.

Having had fourteen years lease of connivance to bestow, and giving, at the end, a general release

release of all suits and actions, he now puts himself at the head of a vast body enriched by his bounties, connivances and indemnities, and expects the support of those, whom he had thus fully rewarded, and discharged from the pursuit of the laws. You will find, in the course of this business, that when charges have been brought against him of any bribery, corruption, or other malversation, his course has been to answer little or nothing to that specifick bribery, corruption, or malversation; his way has been to call on the Court of Directors to inquire of every servant, who comes to Europe, and to say, whether there was any one man in it, that will give him an ill word. He has put himself into a situation, in which he may always safely call to his character, and will always find himself utterly incapable of justifying his conduct. So far I have troubled your Lordships with the system of confederacy and connivance, which, under his auspices, was the vital principle of almost the whole service.

There is one member of the service, which I have omitted; but whether I ought to have put it first, or, as I do now, last, I must confess I am at some loss; because, though it appears to be the lowest (if any regular) part of the service, it is by far the most considerable, and the most efficient; without a full consideration and explanation of which hardly any part of the conduct

conduct of Mr. Hastings, and of many others, that may be in his situation, can be fully understood.

I have given your Lordships an account of Writers, Factors, Merchants, who exercise the office of judges, lord chancellors, chancellors of the exchequer, ministers of state, and managers of great revenues. But there is another description of men, of more importance than them all, a description you have often heard of, but which has not been sufficiently explained; I mean, the Banyan. When the Company's service was no more than mercantile, and the servants were generally unacquainted with the country, they used the intervention of certain factors among the natives, which were called Banyans; we called them so, because they were of the tribe, or cast of the Banyans or Merchants, the Indians being generally distributed into trades according to their tribes. The name still continues, when the functions of the Banyans are totally altered. The Banyan is known by other appellations. He is called Dewan or Steward; and, indeed, this is a term with more propriety applied to him in several of his functions. He is, by his name of office, the steward of the household of the European gentleman: he has the management of his affairs, and the ordering of his servants. He is himself a domestick

mestick servant, and generally chosen out of that class of natives, who, by being habituated to misery and subjection, can submit to any orders, and are fit for any of the basest services. Trained under oppression (it is the true education) they are fit to oppress others. They serve an apprenticeship of servitude, to qualify them for the trade of tyranny. They know all the devices, all the little frauds, all the artifices and contrivances, the whole panoply of the defensive armour, by which ingenious slavery secures itself against the violence of power. They know all the lurking holes, all the winding recesses, of the unfortunate; and they hunt out distress and misery, even to their last retreats. They have suffered themselves; but, far from being taught by those sufferings to abstain from rigour, they have only learned the methods of afflicting their fellow slaves. They have the best intelligence of what is done in England. The moment a Company's servant arrives in India, and his English connexions are known to be powerful, some of that class of people immediately take possession of him, as if he were their inheritance. They have knowledge of the country, and its affairs; they have money; they have the arts of making money. The gentleman, who comes from England, has none of these; he enters into that world, as he enters into the world at large, naked.

naked. His portion is great simplicity, great indigence, and a strong disposition to relieve himself. The Banyan, once in possession, employs his tyranny, not only over the native people of his country, but often over the master himself, who has little other share in the proceedings of his servant, but in giving him the ticket of his name to mark, that he is connected with, and supported by, an European, who is himself well connected and supported at home. This is a commission, which nothing can resist. From that moment forward it is not the Englishman, it is the black Banyan, that is the master. The nominal master often lives from his hand. We know how young men are sent out of this country: we know how happy we are to hear soon, that they are no longer a burthen to their friends and parents. The Banyan knows it too. He supplies the young servant with money. He has him under his power; first, from the necessity of employing such a man; and next, (and this is the more important of the two) he has that dreadful power over his master, which every creditor has over his debtor. Actions, the most abhorrent to his nature, he must see done before his face; and thousands and thousands worse are done in his absence, and he dare not complain. The Banyan extorts, robs, plunders, and then gives him just what proportion of the spoil he

he pleases. If the master should murmur, the very power, that was sent over to protect the people of India from these very abuses (the best things being perverted, when applied to unknown objects and put into unsuitable situations) —the very Laws of England, by making the recovery of debts more easy, infinitely increase the power of the Banyan over his master. Thus the Supreme Court of Justice, the destined corrector of all abuses, becomes a collateral security for that abominable tyranny exercised by the monied Banyans over Europeans as well as the natives. So that, while we are here boasting of the British power in the East, we are in perhaps more than half our service nothing but the inferiour, miserable instruments of the tyranny, which the lowest part of the natives of India exercise to the disgrace of the British authority, and to the ruin of all, that is respectable among their own countrymen. They have subverted the first houses, totally ruined and undone the country, cheated and defrauded the revenue; the master a silent, sometimes a melancholy spectator, until some office of high emolument has emancipated him. This has often been the true reason, that the Company's servants in India, in order to free themselves from this horrid and atrocious servitude, are obliged to become instruments of another tyranny, and must prostitute

prostitute themselves to men in power, in order to obtain some office, that may enable them to escape the servitudes below, and enable them to pay their debts. And thus many have become the instruments of Mr. Hastings.

These Banyans or Dewans were originally among the lower casts in the country. But now it is true, that, after seeing the power and profits of these men; that there is neither power, profession, nor occupation to be had, which a reputable person can exercise, but through that channel; men of higher casts, and born to better things, have thrown themselves into that disgraceful servitude, have become menial servants to Englishmen, that they might rise by their degradation. But whoever they are, or of whatever birth, they have equally prostituted their integrity; they have equally lost their character; and, once entered into that course of life, there is no difference between the best casts and the worst. That system Mr. Hastings confirmed, established, increased, and made the instrument of the most austere tyranny, of the basest peculations, and the most scandalous and iniquitous extortions.

In the description I have given of Banyans a distinction is to be made. Your Lordships must distinguish the Banyans of the British servants in subordinate situations, and the Banyans, who

are such to persons in higher authority. In the latter case the Banyan is in strict subordination, because he may always be ruined by his superiour; whereas in the former, it is always in his power to ruin his nominal superiour. It was not through fear, but voluntarily, and not for the Banyan's purposes, but his own, Mr. Hastings has brought forward his Banyan. He seated him in the houses of the principal nobility, and invested him with farms of the revenue; he has given him enormous jobs; he has put him over the heads of a nobility, which, for their grandeur, antiquity and dignity, might almost be matched with your Lordships. He has made him Supreme Ecclesiastical Judge, Judge even of the very casts, in the preservation of the separate rules and separate privileges of which that people exists. He, who has dominion over the cast, has an absolute power over something more than life and fortune.

Such is that first or last (I know not which to call it) order in the Company's service called a Banyan. The mutseddies, clerks, accountants, of Calcutta, generally fall under this description. Your Lordships will see hereafter the necessity of giving you, in the opening the case, an idea of the situation of a Banyan. You will see, as no Englishman, properly speaking, acts by himself, that he must be made responsible for that person

person called his Banyan; for the power he either uses under him, or the power he has acquired over him. The Banyan escapes, in the night of his complexion and situation, the inquiry, that a white man cannot stand before in this country. Through the Banyans, or other black natives, a bad servant of the Company receives his bribes. Through them he decides falsely against the titles of litigants in the Court of Casts, or in the offices of publick Registry. Through them Mr. Hastings has exercised oppressions, which, I will venture to say, in his own name, in his own character, daring as he is (and he is the most daring criminal, that ever existed) he never would dare to practise. Many, if not most, of the iniquities of his interiour bad administration have been perpetrated through these Banyans, or other native agents and confidants; and we shall show you, that he is not satisfied with one of them; confiding few of his secrets to Europeans, and hardly any of his instruments, either native or European, knowing the secrets of each other. This is the system of Banyanism, and of concealment, which Mr. Hastings, instead of eradicating out of the service, has propagated by example and by support, and enlarged by converting even Europeans into that dark and insidious character.

I have explained, or endeavoured to explain,

to your Lordships these circumstances of the true spirit, genius, and character, more than the ostensible institutions, of the Company's service. I now shall beg leave to bring before you one institution, taken from the mercantile constitution of the Company, so excellent, that I will venture to say, that human wisdom has never exceeded it. In this excellent institution the counting-house gave lessons to the State. The active, awakened, and enlightened principle of self-interest will provide a better system for the guard of that interest, than the cold, drowsy wisdom of those, who provide for a good out of themselves, ever contrived for the publick. The plans sketched by private prudence for private interest, the regulations by mercantile men for their mercantile purposes, when they can be applied to the discipline and order of the State, produce a discipline and order, which no State should be ashamed to copy. The Company's mercantile regulations are admirably fitted for the government of a remote, large, disjointed empire. As merchants, having factors abroad in distant parts of the world, they have obliged them to a minuteness and strictness of register, and to a regularity of correspondence, which no State has ever used in the same degree with regard to its publick ministers. The Company has made it a fundamental part of their constitution,

that

that almost their whole government shall be a written government. Your Lordships will observe, in the course of the proceeding, the propriety of opening fully to you this circumstance in the government of India; that is, that the Company's government is a government of writing; a government of record. The strictest court of justice, in its proceeding, is not more, perhaps not so much a court of record as the India Company's executive service is, or ought to be, in all its proceedings.

In the first place, they oblige their servants to keep a journal or diary of all their transactions, publick and private: they are bound to do this by an express covenant. They oblige them, as a corrective upon that diary, to keep a letter-book, in which all their letters are to be regularly entered. And they are bound, by the same covenant, to produce all those books upon requisition, although they should be mixed with affairs concerning their own private negotiations and transactions of commerce, or their closest and most retired concerns in private life. But, as the great corrective of all, they have contrived, that every proceeding in publick council shall be written:—no debates merely verbal. The arguments, first or last, are to be in writing, and recorded. All other bodies, the Houses of Lords, Commons, Privy Council, Cabinet Councils for

secret State deliberations, enter only resolves, decisions, and final resolutions of affairs; the argument, the discussion, the dissent, does very rarely, if at all, appear. But the Company has proceeded much further, and done much more wisely, because they proceeded upon mercantile principles; and they have provided, either by orders or course of office, that all shall be written, the proposition, the argument, the dissent. This is not confined to their great Council; but this order ought to be observed, as I conceive, and I see considerable traces of it in practice, in every provincial council, whilst the provincial councils existed, and even down to the minutest ramification of their service. These books, in a progression from the lowest councils to the highest presidency, are ordered to be transmitted, duplicate and triplicate, by every ship, that sails to Europe. On this system an able servant of the Company, and high in their service, has recorded his opinion, and strongly expressed his sentiments. Writing to the Court of Directors, he says, "It ought to be remembered, that the "basis, upon which you rose to power, and have "been able to stand the shock of repeated con- "vulsions, has been the accuracy and simplicity "of mercantile method, which makes every "transaction in your service, and every expen- "diture, a matter of record."

My

My Lords, this method not only must produce to them, if strictly observed, a more accurate idea of the nature of their affairs, and the nature of their expenditures, but it must afford them no trivial opportunity and means of knowing the true characters of their servants, their capacities, their ways of thinking, the turn and bias of their minds. If well employed, and but a little improved, the East India Company possessed an advantage unknown before to the chief of a remote government. In the most remote parts of the world, and in the minutest parts of a remote service, every thing came before the principal with a domestick accuracy and local familiarity. It was in the power of a Director, sitting in London, to form an accurate judgment of every incident, that happened upon the Ganges and the Gogra.

The use of this recorded system did not consist only in the facility of discovering what the nature of their affairs, and the character and capacity of their servants, was; but it furnished the means of detecting their misconduct; frequently of proving it too, and of producing the evidence to it judicially under their own hands. For your Lordships must have observed, that it is rare indeed, that, in a continued course of evil practices, any uniform method of proceeding will serve the purposes of the delinquent. Inno-

cence is plain, direct and simple: guilt is a crooked, intricate, inconstant and various thing. The iniquitous job of to-day may be covered by specious reasons; but when the job of iniquity of to-morrow succeeds, the reasons, that have coloured the first crime, may expose the second malversation. The man of fraud falls into contradiction, prevarication, confusion. This hastens, this facilitates conviction. Besides, time is not allowed for corrupting the records. They are flown out of their hands; they are in Europe; they are safe in the registers of the Company; perhaps they are under the eye of Parliament, before the writers of them have time to invent an excuse for a direct contrary conduct to that, to which their former pretended principles applied. This is a great, a materia. part of the constitution of the Company. My Lords, I do not think it to be much apologized for, if I repeat, that this is the fundamental regulation of that service; and which, if preserved in the first instance, as it ought to be, in official practice in India, and then used as it ought to be in England, would afford such a mode of governing a great, foreign, dispersed empire, as, I will venture to say, few countries ever possessed even in governing the most limited and narrow jurisdiction.

It was the great business of Mr. Hastings's policy

policy to subvert this great political edifice. His first mode of subverting it was by commanding the publick ministers, paid by the Company, to deliver their correspondence upon the most critical and momentous affairs to him, in order to be suppressed and destroyed at his pleasure. To support him in this plan of spoliation, he has made a mischievous distinction in publick business between publick and private correspondence. The Company's orders and covenants made none. There are, readily I admit, thousands of occasions, in which it is not proper to divulge promiscuously a private correspondence, though on publick affairs, to the world; but there is no occasion, in which it is not a necessary duty, on requisition, to communicate your correspondence to those, who form the paramount government, on whose interests, and on whose concerns, and under whose authority, this correspondence has been carried on. The very same reasons, which require secrecy with regard to others, demand the freest communication to them. But Mr. Hastings has established principles of confidence and secrecy towards himself, which have cut off all confidence between the Directors and their Ministers, and effectually kept them at least out of the secret of their own affairs.

Without entering into all the practices, by which he has attempted to maim the Company's records,

records, I shall state one more to your Lordships; that is, his avowed appointment of spies and under-agents, who shall carry on the real state business, while there are publick and ostensible agents, who are not in the secret. The correspondence of those private agents he holds in his own hands, communicates as he thinks proper, but most commonly withholds. There remains nothing for the Directors but the shell and husk of a dry, formal, official correspondence, which neither means any thing, nor was intended to mean any thing.

These are some of the methods, by which he has defeated the purposes of the excellent institution of a recorded administration. But there are cases to be brought before this Court, in which he has laid the axe at once to the root; which was, by delegating out of his own hands a great department of the powers of the Company, which he was himself bound to execute, to a Board, which was not bound to record their deliberations with the same strictness as he himself was bound. He appointed of his own usurped authority a Board for the administration of the Revenue, the members of which were expressly dispensed from recording their dissents, until they chose it; and in that office, as in a great gulf, a most important part of the Company's transactions has been buried.

Notwithstanding

Notwithstanding his unwearied pains in the work of spoliation, some precious fragments are left, which we ought infinitely to value; by which we may learn, and lament, the loss of what he has destroyed. If it were not for those inestimable fragments and wrecks of the recorded government, which have been saved from the destruction, which Mr. Hastings intended for them all, the most shameful enormities, that have ever disgraced a government, or harassed a people, would only be known in this country by secret whispers, and unauthenticated anecdotes: the disgracers of government, the vexers and afflicters of mankind, instead of being brought before an awful publick tribunal, might have been honoured with the highest distinctions and rewards their country has to bestow; and sordid bribery, base peculation, iron-handed extortion, fierce, unrelenting tyranny, might themselves have been invested with those sacred robes of justice, before which this day they have cause to tremble.

Mr. Hastings, sensible of what he suffers from this register of acts and opinions, has endeavoured to discredit and ruin what remains of it. He refuses, in his defence to the House of Commons, in letters to the Court of Directors, in various writings and declarations, he refuses to be tried by his own recorded declarations;

rations; he refuses to be bound by his own opinions, delivered under his own hand. He knows, that he and the record cannot exist together. He knows, that what remains of the written constitution, which he has not destroyed, is enough to destroy him. He claims a privilege of systematick inconstancy; a privilege of prevarication; a privilege of contradiction; a privilege of not only changing his conduct, but the principles of his conduct, whenever it suits his occasions. But I hope your Lordships will show the destroyers of that wise constitution, and the destroyers of those records, which are to be the securities against malversation in office, the discoverers and avengers of it, that whoever destroys the discoverer establishes the iniquity; that, therefore, your Lordships will bind him to his own declarations, given on record under his own hand; that you will say to this unfaithful servant of the Company, what was said to another unfaithful person, upon a far less occasion, by a far greater authority, "out of thy own mouth will I judge thee, thou wicked servant."

Having gone through what I have been instructed might be necessary to state to your Lordships concerning the Company's constitution, I mean the real inside, and not the shell, of its constitution; having stated the abuses, that existed in it; having stated how Mr. Hastings

Hastings endeavoured to perpetuate and to increase and to profit of the abuse, and how he has systematically endeavoured to destroy, and has in some instances in fact destroyed, many things truly excellent in that constitution; if I have not wasted your time in explanation of matters, that you are already well acquainted with, I shall next beg leave to state to you the abuse in some particulars of the other part of the publick authority, which the Company acquired over the Natives of India in virtue of the royal charter of the present Mogul Emperour, in the year 1766.

My Lords, that you may the better judge of the abuse Mr. Hastings has made of the powers vested in him, it will be expedient to consider a little, who the people are, to whose prejudice he has abused these powers. I shall explain this point with as much brevity as is consistent with the distinctness, with which I mean to bring the whole before your Lordships; and I beg to observe to you, that this previous discourse, rather explanatory than accusatorial (if I may use the expression), is meant rather to elucidate the nature of the matter to come before you in regular charges, than as proof of the charges themselves.

I know, that a good deal of latitude is allowed to advocates, when opening a cause in a private court,

court, to indulge themselves in their narratives leading to the charges they intend to bring. They are not always called to the strictest account for such prefatory matter, because the court, when it comes to judge, sifts and distinguishes it from the points to be strictly proved, and on whose merits the cause relies.

But I wish your Lordships to know, that, with the high opinion I have of your gravity (and it is impossible for a man to conceive a higher), and sensible of the weight of those I represent at this place, namely, the Commons of Great Britain, I should be sorry, that any one substantial fact, even in this explanatory opening, or even the colour of the fact, should be alleged, which, when called upon, I should not be ready to make good to you by proof: I mean, by proof adapted to its nature; publick opinion by evidence of publick opinion; by record that, to which record is applicable; by oral testimony things, to which oral testimony alone can be produced; and last of all, that, which is matter of historick proof, by historick evidence. This I hope to do with the usual allowance to errours and mistakes, which is the claim of human infirmity.

Then, my Lords, two distinct people inhabit India. Two sorts of people inhabit the same country, as totally distinct from each other in characters,

characters, lives, opinions, prejudices, and manners, as the inhabitants of countries most remote from each other. For both of these descriptions Mr. Hastings was bound to provide equally, agreeable to the terms of the charter, which the Company received from the lawful governing power of that country;—a charter received at its own solicitation;—a charter, not forced upon us by a superiour power, but given at the immediate solicitation of the principal servants belonging to the Company;—a charter solemnly accepted by the Company; and by them, I am very sorry to say, little regarded; or, at least, little regarded by their principal servants.

My Lords, the first description of people, who are subjected virtually to the British Empire through those mediums, which I have described to you, are the original inhabitants of Hindostan, who have in all time, and beyond all the eras, which we use, (I mean always the two grand eras excepted), been the aboriginal inhabitants and proprietors of that country; with manners, religion, customs, and usages appropriated to themselves, and little resembling those of the rest of mankind. This description of men is commonly called Gentûs. The system and principle of that government is locality. Their laws, their manners, their religion, are all local.

Their legislator, whoever he was (for who he

was

was is a matter lost in the mists of a most obscure antiquity), had it as a great leading principle of his policy to connect the people with their soil. Accordingly, by one of those anomalies, which a larger acquaintance with our species daily discovers, and which perhaps an attentive reflection might explain in the nature of man, this aboriginal people of India, who are the softest in their manners of any of our race, approaching almost to feminine tenderness, who are formed constitutionally benevolent, and, in many particulars, made to fill a larger circle of benevolence than our morals take in, who extend their good-will to the whole animal creation;—these people are, of all nations, the most unalliable to any other part of mankind. They cannot—the highest orders of them, at least, cannot come into contact with any other. That bond, which is one of the chief instruments of society, and which, supporting the individual, connects the species, can have no existence with them—I mean the convivial bond. That race can be held to no other by that great link of life. No Hindû can mix at meals even with those, on whom he depends for the meat he eats. This circumstance renders it difficult for us to enter with due sympathy into their concerns, or for them to enter into ours, even when we meet on the same ground. But there are other circumstances,

which

which render our intercourse, in our mutual relation, very full of difficulty. The sea is between us. The mass of that element, which, by appearing to disconnect, unites mankind, is to them a forbidden road. It is a great gulf fixed between you and them—not so much that elementary gulf, but that gulf, which manners, opinions and laws have radicated in the very nature of the people. None of their high casts, without great danger to his situation, religion, rank and estimation, can ever pass the sea; and this forbids, for ever, all direct communication between that country and this. That material and affecting circumstance, my Lords, makes it ten times more necessary, since they cannot come to us, to keep a strict eye upon all persons, who go to them. It imposes upon us a stricter duty to guard, with a firm and powerful vigilance, those, whose principles of conscience weaken their principles of self-defence. If we undertake to govern the inhabitants of such a country, we must govern them upon their own principles and maxims, and not upon ours. We must not think to force them into the narrow circle of our ideas; we must exsend ours to take in their system of opinions and rites, and the necessities, which result from both; all change on their part is absolutely impracticable. We have more versatility of character and manners, and it is we, who must conform. We

know what the empire of opinion is in human nature. I had almost said, that the law of opinion was human nature itself. It is, however, the strongest principle in the composition of the frame of the human mind; and more of the happiness and unhappiness of mankind resides in that inward principle, than in all external circumstances put together. But if such is the empire of opinion even amongst us, it has a pure, unrestrained, complete, and despotick power amongst them. The variety of balanced opinions in our minds weakens the force of each; for in Europe, sometimes, the laws of religion differ from the laws of the land; sometimes, the laws of the land differ from our laws of honour; our laws of honour are full of caprice, differing from those other laws, and sometimes differing from themselves: but there the laws of religion, the laws of the land, and the laws of honour, are all united and consolidated in one invariable system, and bind men by eternal and indissoluble bonds to the rules of what, amongst them, is called his *cast*.

It may be necessary just to state to your Lordships what a *cast* is. The Gentû people, from the oldest time, have been distributed into various orders, all of them hereditary: these family orders are called casts; these casts are the fundamental part of the constitution of the Gentû commonwealth,

commonwealth, both in their church and in their state.

Your Lordships are born to hereditary honours in the chief of your houses. The rest mix with the people. With the Gentûs, they, who are born noble, can never fall into any second rank. They are divided into four orders; the Brahmins, the Chittery, the Bice, and the Soodur, with many subdivisions in each. An eternal barrier is placed between them. The higher cannot pass into the lower; the lower cannot rise into the higher. They have all their appropriated rank, place, and situation, and their appropriated religion too; which is essentially different in its rites and ceremonies, sometimes in its object, in each of those casts. A man, who is born in the highest cast, which at once unites what would be tántamount, in this country, to the dignity of the peerage, and the ennobled sanctity of the episcopal character;—the Brahmin, who sustains these characters, if he loses his cast, does not fall into an inferiour order, the Chittery, the Bice, or the Soodur, but he is thrown at once out of all ranks of society. He is precipitated from the proudest elevation of respect and honour to a bottomless abyss of contempt; from glory to infamy; from purity to pollution; from sanctity to profanation. No honest occupation is open to him. His children are no longer his children. Their parent

loses that name. The conjugal bond is dissolved. Few survive this most terrible of all calamities. To speak to an Indian of his cast is to speak to him of his all.

But the rule of cast has, with them, given one power more to fortune, than the manners of any other nation were ever known to do. For it is singular, the cast may be lost, not only by certain voluntary crimes, but by certain involuntary sufferings, disgraces, and pollutions, that are utterly out of their power to prevent. Those, who have patiently submitted to imprisonment—those, who have not flinched from the scourge—those, who have been as unmoved as marble under torture—those, who have laughed at the menaces of death itself—have instantly given way, when it has been attempted to subject them to any of those pollutions, by which they lose cast. To this cast they are bound by all laws of all descriptions, human and divine; and inveterate usage has radicated it in them to a depth, and with an adhesion, with which no other known prejudice has been known to exist. Tyranny is, therefore, armed against them with a greater variety of weapons than are found in its ordinary stores.

This, amongst a thousand other considerations, speaks to us in very authoritative language, with what care and circumspection we

ought

ought to handle people so delicate. In the course of this trial your Lordships will see with horrour the use, which Mr. Hastings made, through several of his wicked and abominable instruments, chosen from the natives themselves, of these superadded means of oppression. I shall prove, in the course of this trial, that he has put his own menial domestick servant—a wretch totally dependent—a wretch grossly ignorant—the common instrument of his bribery and peculation;—he has enthroned him, I say, on the first seat of ecclesiastical jurisdiction, which was to decide upon the casts of all those people, including their rank, their family, their honour, and their happiness here, and, in their judgment, their salvation hereafter. Under the awe of this power, no man dared to breathe a murmur against his tyranny. Fortified in this security, he says, Who complains of me?—No, none of us dare complain of you, says the trembling Gentû. No! your menial servant has my cast in his power. I shall not trouble your Lordships with mentioning others; it was enough, that Canto Baboo, and Ginga Govind Sing, names, to which your Lordships are to be familiarized hereafter;—it is enough, that those persons had the cast and character of all the people of Bengal in their hands. Through them he has taken effectual security against all complaint.

Your Lordships will hence discern how very necessary it is become, that some other personage should intervene, should take upon him their representation, and by his freedom and his power should supply the defects arising from their servitude and their impotence. The Commons of Great Britain charge themselves with this character.

My Lords, these Gentû people are the original people of Hindostan. They are still, beyond comparison, the most numerous. Faults this nation may have;—but God forbid we should pass judgment upon people, who framed their laws and institutions prior to our insect origin of yesterday. With all the faults of their nature, and errours of their institutions, their institutions, which act so powerfully on their natures, have two material characteristicks, which entitle them to respect:—first, great force and stability; and next, excellent moral and civil effects. Their stability has been proved by their holding on an uniform tenour for a duration commensurate to all the empires, with which history has made us acquainted; and they still exist in a green old age, with all the reverence of antiquity, and with all the passion, that people have to novelty and change. They have stood firm on their ancient base—they have cast their roots deep in their native soil; perhaps because

because they have never spread them any where else than in their native soil. Their blood, their opinions, and the soil of their country, make one consistent piece; admitting no mixture, no adulteration, no improvement: accordingly, their religion has made no converts; their dominion has made no conquests; but, in proportion as their laws and opinions were concentred within themselves, and hindered from spreading abroad, they have doubled their force at home. They have existed in spite of Mahommedan and Portuguese bigotry; in spite of Tartarian and Arabian tyranny; in spite of all the fury of successive foreign conquest; in spite of a more formidable foe—the avarice of the English dominion.

I have spoken now, my Lords, of what their principles are;—their laws and religious institutions, in point of force and stability: I have given instances of their force in the very circumstance, in which all the institutions of mankind in other respects show their weakness. They have existed, when the country has been otherwise subdued. This alone furnishes full proof, that there must be some powerful influence resulting from them beyond all our little fashionable theories upon such subjects.

The second consideration in the Gentû institutions is their beneficial effects, moral and civil.

The policy, civil or religious, or, as theirs is, composed of both, that makes a people happy, and a state flourishing (putting further and higher considerations out of the way, which are not now before us), must undoubtedly, so far as human considerations prevail, be a policy wisely conceived in any scheme of government. It is confirmed by all observation, that, where the Hindû religion has been established, that country has been flourishing. We have seen some patterns remaining to this day. The very country, which is to be the subject of your Lordships judicial inquiry, is an instance, by an entire change of government, of the different effects resulting from the rapacity of a foreign hand, and the paternal, lenient, protecting arm of a native government, formed on the long connexion of prejudice and power. I shall give you its state under the Hindû government from a book written by a very old Servant of the Company, whose authority is of the greater weight, as the very destruction of all this scheme of government is the great object of the author.

The author, Mr. Holwell, divides the country of Bengal into its different provinces. He supposes what they then paid to the Supreme Government; he supposes what the country is capable of yielding; and his project is to change entirely

entirely the application of the revenues of the country, and to secure the whole into the hands of government. In enumerating these provinces, at last he comes to the province of Burdwan.

"In truth (says this author), it would be "almost cruelty to molest this happy people; "for in this district are the only vestiges of the "beauty, purity, piety, regularity, equity, and "strictness of the ancient Hindostan govern- "ment. Here the property, as well as the "liberty, of the people are inviolate. Here no "robberies are heard of, either publick or pri- "vate. The traveller, either with or without "merchandise, becomes the immediate care of "the government, which allots him guards, "without any expense, to conduct him from "stage to stage; and these are accountable for "the safety and accommodation of his person "and effects. At the end of the first stage he "is delivered over, with certain benevolent "formalities, to the guards of the next, who, "after interrogating the traveller as to the usage "he had received in his journey, dismiss the "first guard with a written certificate of their "behaviour, and a receipt for the traveller and "his effects; which certificate and receipt are "returnable to the commanding officer of the "first stage, who registers the same, and regu- "larly reports it to the Rajah."

"In

" In this form the traveller is passed through " the country; and if he only passes, he is not " suffered to be at any expense for food, accom- " modation, or carriage for his merchandise or " baggage; but it is otherwise if he is permitted " to make any residence in one place above " three days, unless occasioned by sickness, or " any unavoidable accident. If any thing is lost " in this district, for instance a bag of money " or other valuables, the person, who finds it, " hangs it upon the next tree, and gives notice " to the nearest Chowkey, or place of guard; " the officer of which orders immediate pub- " lication of the same by beat of tomtom or " drum."

These, my Lords, are the effects universally produced by the Hindû polity throughout that vast region, before it was distorted and put out of frame by the barbarism of foreign conquests. Some choice reserved spots continued to flourish under it to the year 1756. Some remained till Mr. Hastings obtained the means of utterly defacing them. Such was the prospect of Benares under the happy government of Bulwant Sing. Such was the happy state of the same Benares in the happy days of Cheyt Sing, until in the year 1781 Mr. Hastings introduced *his* reform into that country.

Having stated the general outline of the man-

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ners of the original people of Hindostan; having stated the general principles of their policy, which either prohibit connexion, or oblige us to a connexion very different from what we have hitherto used towards them, I shall leave it to your Lordships judgment, whether you will suffer such fair monuments of wisdom and benevolence to be defaced by the rapacity of your governours. I hope I have not gone out of my way to bring before you any circumstance relative to the Gentû religion and manners, further than as they relate to the spirit of our government over them; for though there never was such food for the curiosity of the human mind, as is found in the manners of this people, I pass it totally over.

I wish to divide this preliminary view into six periods; and your Lordships will consider that of the Hindûs, which I have now mentioned, as the first era.

The second era is an era of great misfortune to that country, and to the world in general; I mean, the time of the prophet Mahomed. The enthusiasm, which animated his first followers, the despotick power, which religion obtained through that enthusiasm, and the advantages, derived from both, over the enervated great empires, and broken, disunited lesser governments of the world, extended the influence

fluence of that proud and domineering sect from the banks of the Ganges to the banks of the Loire.

This second period is the era of the Arabs. These people made a great and lasting impression on India. They established, very early, Mahommedan sovereigns in all parts of it; particularly in the kingdom of Bengal, which is the principal object of our present inquiry. They held that kingdom, for a long series of years, under a dynasty of thirty-three kings; having begun their conquest, and founded their dominion in Bengal, not very long after the time of their prophet.

These people, when they first settled in India, attempted with the ferocious arm of their prophetick sword to change the religion and manners of that country; but at length perceiving, that their cruelty wearied out itself, and never could touch the constancy of the sufferers, they permitted the native people of the country to remain in quiet, and left the Mahommedan religion to operate upon them as it could by appealing to the ambition or avarice of the great, or by taking the lower people, who have lost their casts, into this new sect; and thus, from the refuse of the Gentû, increasing the bounds of the Mahommedan religion. They left many of the ancient rajahs of the country possessed of an

inferiour

inferiour sovereignty; and, where the strength of the country or other circumstances would not permit this subordination, they suffered them to continue in a separate state, approaching to independence, if not wholly independent.

The Mahommedans, during the period of the Arabs, never expelled or destroyed the native Gentû nobility, zemindars, or landholders of the country. They all, or almost all, remained fixed in their places, properties, and dignities; and the shadows of several of them remain under our jurisdiction.

The next, which is the third era, is an era the more necessary to observe upon, because Mr. Hastings has made many applications to it in his defence before the Commons; namely, the invasion of the Tartars, or the era of Tamerlane. These Tartars did not establish themselves on the ruins of the Hindûs. Their conquests were over the other Mahommedans: for Tamerlane invaded Hindostan, as he invaded other countries, in the character of the great reformer of the Mahommedan religion. He came as a sort of successour to the rights of the prophet upon a divine title. He struck at all the Mahommedan princes, who reigned at that time. He considered them as apostates, or at least as degenerated from the faith, and as tyrants abusing their power. To facilitate his conquests over these,

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he was often obliged to come to a sort of a composition with the people of the country he invaded. Tamerlane had neither time, nor means, nor inclination, to dispossess the ancient rajahs of the country.

Your Lordships will observe, that I propose nothing more, than to give you an idea of the principles of policy, which prevailed in these several revolutions, and not an history of the furious military achievements of a barbarous invader. Historians, indeed, are generally very liberal of their information concerning every thing but what we ought to be very anxious to know. They tell us, that India was conquered by Tamerlane, and conquered in such a year. The year will be found to coincide somewhere, I believe, with the end of the fourteenth century. Thinking the mere fact as of little moment, and its chronology as nothing, but thinking the policy very material, which, indeed, is to be collected only here and there, in various books written with various views, I shall beg leave to lay before you a very remarkable circumstance relative to that policy, and taken from the same book, to which I formerly referred, Mr. Holwell's.

"When the Hindû rajahs, or princes of Hin-
"dostan, submitted to Tamerlane, it was on
"these capital stipulations:—that the emperour
"should marry a daughter of Rajah Cheyt Sing's
"house;

"house; that the head of this house should be "in perpetuity governours of the citadel of "Agra, and anoint the king at his coronation; "and that the emperours should never impose "the jessera (or poll-tax) upon the Hindûs."

Here was a conqueror, as he is called, coming in upon terms; mixing his blood with that of the native nobility of the country he conquered; and, in consequence of this mixture, placing them in succession upon the throne of the country he subdued; making one of them even hereditary constable of the capital of his kingdom, and thereby putting his posterity as a pledge into their hands. What is full as remarkable, he freed the Hindûs for ever from that tax, which the Mahommedans have laid upon every country, over which the sword of Mahomed prevailed; namely, a capitation tax upon all, who do not profess the religion of the Mahommedans. But the Hindûs, by express charter, were exempted from that mark of servitude, and thereby declared not to be a conquered people. The native princes, in all their transactions with the Mogul government, carried the evident marks of this free condition in a noble independency of spirit. Within their own districts the authority of many of them seemed entire. We are often led into mistakes concerning the government of Hindostan, by comparing it with those governments where the

prince

prince is armed with a full, speculative, entire authority; and where the great people have, with great titles, no privileges at all; or, having privileges, have those privileges only as subjects. But in Hindostan the modes, the degrees, the circumstances of subjection, varied infinitely. In some places hardly a trace at all of subjection was to be discerned; in some the rajahs were almost assessors of the throne, as in this case of the Rajah Cheyt Sing. These circumstances mark, that Tamerlane, however he may be indicated by the odious names of Tartar and conqueror, was no barbarian;—that the people, who submitted to him, did not submit with the abject submission of slaves to the sword of a conqueror, but admitted a great, supreme emperour, who was just, prudent, and politick, instead of the ferocious, oppressive lesser Mahommedan sovereigns, who had before forced their way by the sword into the country.

That country resembled more a republick of princes with a great chief at their head, than a territory in absolute, uniform, systematick subjection from one end to the other; in which light Mr. Hastings and others of late have thought proper to consider it. According to them, if a subordinate prince, like Cheyt Sing, was not ready to pay any exorbitant sum on instant demand, or submit to any extent of fine, which

should

should be inflicted upon him by the mere will of the person, who called *robbery* a *fine*, and who took the measure of that fine without either considering the means of paying, or the degree of delinquency, that justified it; their properties, liberties and lives were instantly forfeited. The rajahs of that country were armed;—they had fortresses for their security;—they had troops. In the receipt of both their own and the imperial revenue, their securities for justice were in their own hands: but the policy of the Mogul princes very rarely led them to push that people to such extremity, as it is supposed, that, on every slight occasion, we have a right to push those, who are the subjects of our pretended conquest.

Mr. Holwell throws much light on this policy, which became the standing law of the empire.—

"In the unfortunate wars, which followed the "death of Manz. O'Din Sevajee, Cheyt Sing "(the great rajah we have just mentioned) with "a select body of Rhajapoots, by a well con- "ducted retreat, recovered Agra; and was soon "after reconciled to the king (the Mogul) and "admitted to his favour; conformable to the "steady policy of this government in keeping a "good understanding with the principal rajahs, "and more especially with the head of this "house, who is ever capable of raising and "fomenting a very formidable party upon any

" intended revolution in this despotick and pre-
" carious monarchy."

You see, that it was the monarchy, that was precarious, not the rights of the subordinate chiefs. Your Lordships see, that notwithstanding our ideas of oriental despotism, under the successours of Tamerlane, these principal rajahs, instead of being called wretches, and treated as such, as Mr. Hastings has thought it becoming to call and treat them, when they were in arms against their sovereign, were regarded with respect, and were admitted to easy reconciliations; because in reality, in their occasional hostilities, they were not properly rebellious subjects, but princes, often asserting their natural rights, and the just constitution of the country.

This view of the policy, which prevailed during the dynasty of Tamerlane, naturally conducts me to the next, which is the fourth era in this history—I mean the era of the Emperour Akber. He was the first of the successours of Tamerlane, who obtained possession of Bengal. It is easy to show of what nature his conquest was. It was over the last Mahommedan dynasty. He too, like his predecessor Tamerlane, conquered the prince, not the country. It is a certain mark, that it was not a conquered country in the sense, in which we commonly call a country conquered,—that the natives, great men and land-

holders,

holders, continued in every part in the possession of their estates, and of the jurisdictions annexed to them. It is true, that in the several wars for the succession to the Mogul empire, and in other of their internal wars, severe revenges were taken, which bore resemblance to those taken in the war of the Roses in this country, where it was the common course, in the heat of blood,—"off with his head, so much for Buckingham."—Yet, where the country again recovered its form and settlement, it recovered the spirit of a mild government. Whatever rigour was used with regard to the Mahommedan adventurers from Persia, Turkey, and other parts, who filled the places of servile grandeur in the Mogul court, the Hindûs were a favoured, protected, gently treated people.

The next, which is the fifth era, is a troubled and vexatious period—the era of the independent soubahs of Bengal. Five of these soubahs or viceroys governed from about the year 1717, or thereabouts. They grew into independence partly by the calamities and concussions of that empire, which happened during the disputes for the succession of Tamerlane; and partly, and indeed principally, by the great shock, which the empire received when Thamas Kouli Khân broke into that country, carried off its revenues, overturned the throne, and massacred not only many

of the chief nobility, but almost all the inhabitants of the capital city. This rude shock, which that empire was never able to recover, enabled the viceroys to become independent; but their independence led to their ruin. Those, who had usurped upon their masters, had servants, who usurped upon them. Allaverdy Khân murdered his master, and opened a way into Bengal for a body of foreign invaders, the Mahrattas, who cruelly harassed the country for several years. Their retreat was at length purchased, and by a sum, which is supposed to amount to five millions sterling. By this purchase he secured the exhausted remains of an exhausted kingdom, and left it to his grandson Surajah w Dowlah in peace and poverty. On the fall of Surajah w Dowlah, in 1756, commenced the last, which is the sixth, —the era of the British empire.

On the fifth dynasty I have only to remark to your Lordships, that, at its close, the Hindû chiefs were almost every where found in possession of the country; that though Allaverdy Khân was a cruel tyrant, though he was an untitled usurper, though he racked and tormented the people under his government, urged, however, by an apparent necessity from an invading army of 100,000 horse in his dominions; yet, under him, the rajahs still preserved their rank, their dignity, their castles, their houses, their seignio-

ries,

ries, all the insignia of their situation, and always the right, sometimes also the means, of protecting their subordinate people, till the last and unfortunate era of 1756.

Through the whole of this sketch of history I wish to impress but one great and important truth upon your minds; namely, that through all these revolutions in government, and changes in power, an Hindû polity, and the spirit of an Hindû government, did more or less exist in that province, with which he was concerned, until it was finally to be destroyed by Mr. Hastings.

My Lords, I have gone through all the eras precedent to those of the British power in India, and am come to the first of those eras. Mr. Hastings existed in India, and was a servant of the Company before that era, and had his education between both. He is an antediluvian with regard to the British dominion in Bengal. He was co-existent with all the acts and monuments of that revolution, and had no small share in all the abuses of that abusive period, which preceded his actual government. But, as it was during that transit from eastern to western power, that most of the abuses had their origin, it will not be perfectly easy for your Lordships thoroughly to enter into the nature and circumstances of them, without an explanation of the principal events, that happened from the year 1756, until

the commencement of Mr. Hastings's government; during a good part of which time we do not often lose sight of him. If I find it agreeable to your Lordships; if I find, that you wish to know these annals of Indian suffering and British delinquency; if you desire, that I should unfold the series of the transactions from 1756 to the period of Mr. Hastings's government in 1771;—that you may know how far he promoted what was good; how far he rectified what was evil; how far he abstained from innovation in tyranny, and contented himself with the old stock of abuse;—your Lordships will have the goodness to consult the strength, which, from late indisposition, begins almost to fail me. And if you think the explanation is not time lost in this new world, and in this new business, I shall venture to sketch out, as briefly, and with as much perspicuity as I can give them, the leading events of that obscure and perplexed period, which intervened between the British settlement in 1757, and Mr. Hastings's government. If I should be so happy as to succeed in that attempt, your Lordships' minds will be prepared for hearing this Cause. Then, your Lordships will have a clear view of the origin and nature of the abuses, which prevailed in that government before Mr. Hastings obtained his greatest power;

and

and since that time; and then we shall be able to enter fully and explicitly into the nature of the Cause; and I should hope, that it will pave the way, and make every thing easy for your subsequent justice.

I therefore wish to stop at this period, in which Mr. Hastings became active in the service, pretty near the time when he began his political career;—and here, my Lords, I pause, wishing your indulgence at such time as will suit your convenience for pursuing the rest of this eventful history.

TRIAL

OF

WARREN HASTINGS, ESQ.

FOURTH DAY, 16th FEBRUARY 1788.

(MR. BURKE.)

MY LORDS,

IN what I had the honour of laying before your Lordships yesterday, and in what I may further trouble you with to-day, I wish to observe a distinction, which if I did not lay down so perfectly as I ought, I hope I shall now be able to mark it out with sufficient exactness and perspicuity.

First, I beg leave to observe, that what I shall think necessary to state, as matter of preliminary explanation, in order to give your Lordships a true idea of the scene of action—of the instruments, which Mr. Hastings employed—and the effects, which they produced—all this I wish to be distinguished from matter brought to criminate. Even the matter as stated by me, which may be hereafter brought to criminate, so far as it falls to my share at present, is only to be considered, in this stage of the business, as merely illustrative.

illustrative. Your Lordships are to expect, as undoubtedly you will require, substantial matter of crimination to be laid open for that purpose, at the moment when the evidence to each charge is ready to be produced to you. Thus your Lordships will easily separate historical illustration from criminal opening. For instance, if I stated yesterday to your Lordships, as I did, the tyranny and cruelty of one of the usurping viceroys, whose usurpation and whose vices led the way to the destruction of his country, and the introduction of a foreign power—I do not mean to charge Mr. Hastings with any part of that guilt. What bears upon Mr. Hastings is, his having avowedly looked to such a tyrant and such a usurper, as his model, and followed that pernicious example with a servile fidelity.

When I have endeavoured to lay open to your Lordships any thing abusive, or leading to abuse, from defects or errours in the constitution of the Company's service—I did not mean to criminate Mr. Hastings on any part of those defects and errours. I state them to show, that he took advantage of the imperfections of the institution to let in his abuse of the power, with which he was intrusted. If, for a further instance, I have stated, that in general the service of the India Company was insufficient in legal pay or emolument, and abundant in the means

means of illegal profit—I do not state that defect as owing to Mr. Hastings. But I state it as a fact, to show in what manner and on what pretences he did, fraudulently, corruptly, and for the purposes of his own ambition, take advantage of that defect; and, under colour of reformation, make an illegal, partial, corrupt rise of emoluments to certain favoured persons without regard to the interests of the service at large: increasing rather than lessening the means of illicit emolument, as well as loading the Company with many heavy and ruinous expenses in avowed salaries and allowances.

Having requested your Lordships to keep in mind, which I trust you would do, even without my taking the liberty of suggesting it to you, these necessary distinctions; I shall revert to the period, at which I closed yesterday—that great and memorable period, which has remotely given occasion to the trial of this day.

My Lords, to obtain empire is common: to govern it well has been rare indeed. To chastise the guilt of those, who have been instruments of imperial sway over other nations, by the high superintending justice of the sovereign state, has not many striking examples among any people. Hitherto we have not furnished our contingent to the records of honour. We have been confounded with the herd of conquerors. Our dominion

dominion has been a vulgar thing. But we begin to emerge; and I hope, that a severe inspection of ourselves, a purification of our own offences, a lustration of the exorbitances of our own power is a glory reserved to this time, to this Nation, and to this august Tribunal.

The year 1756 is a memorable era in the history of the world—it introduced a new nation from the remotest verge of the western world, with new manners, new customs, new institutions, new opinions, new laws, into the heart of Asia.

My Lords, if in that part of Asia, whose native regular government was then broken up; if, at the moment when it had fallen into darkness and confusion from having become the prey and almost the sport of the ambition of its home-born grandees; if, in that gloomy season, a star had risen from the west, that would prognosticate a better generation, and would shed down the sweet influences of order, peace, science and security to the natives of that vexed and harassed country; we should have been covered with genuine honour. It would have been a beautiful and noble spectacle to mankind.

Indeed something might have been expected of the kind, when a new dominion emanated from a learned and enlightened part of the world in the most enlightened period of its existence.

Still

Still more might it have been expected, when that dominion was found to issue from the bosom of a free country, that it would have carried with it the full benefit of the vital principle of the British liberty and constitution, though its municipal forms were not communicable, or at least the advantage of the liberty and spirit of the British Constitution. Had this been the case, (alas! it was not,) you would have been saved the trouble of this day. It might have been expected too, that in that enlightened state of the world, influenced by the best religion, and from an improved description of that best religion; I mean the Christian reformed religion; that we should have done honour to Europe, to letters, to laws, to religion; done honour to all the circumstances, of which, in this Island, we boast ourselves, at the great and critical moment of that revolution.

My Lords, it has happened otherwise. It is now left for us to repair our former errours. Resuming the history where I broke off yesterday by your indulgence to my weakness.—Surajah Dowla was the adopted grandson of Ally Verdy Cawn, a cruel and ferocious tyrant; the manner of whose acquisition of power I have already stated. He came too young and unexperienced to that throne of usurpation. It was a usurpation yet green in the country, and the

country

country felt uneasy under it. It had not the advantage of that prescriptive usage, that inveterate habit, that traditionary opinion, which a long continuance of any system of government secures to it. The only real security, which Surajah Dowla's government could possess, was the security of an army. But the great aim of this prince, and his predecessor, was to supply the weakness of his government by the strength of his purse; he therefore amassed treasures by all ways and on all hands. But, as the Indian princes, in general, are as unwisely tenacious of their treasure, as they are rapacious in getting it; the more money he amassed, the more he felt the effects of poverty. The consequence was, that their armies were unpaid, and being unpaid or irregularly paid, were undisciplined, disorderly, unfaithful. In this situation, a young prince, confiding more in the appearances, than examining into the reality of things, undertook (from motives, which the House of Commons with all their industry to discover the circumstances have found it difficult to make out) to attack a little miserable trading fort, that we had erected at Calcutta. He succeeded in that attempt, only because success in that attempt was easy. A close imprisonment of the whole settlement followed; not owing, I believe, to the direct will of the prince, but, what will always happen

happen when the will of the prince is but too much the law, to a gross abuse of his power by his lowest servants; by which 120 or more of our countrymen perished miserably in a dungeon by a fate too tragical for me to be desirous to relate, and too well known to stand in need of it.

At the time that this event happened, there was at the same time a concurrence of other events, which, from this partial and momentary weakness, displayed the strength of Great Britain in Asia. For some years before, the French and English troops began, on the coast of Coromandel, to exhibit the power, force, and efficacy of European discipline. As we daily looked for a war with France, our settlements on that coast were in some degree armed. Lord Pigot, then Governour of Madras,—Lord Pigot, the preserver, and the victim of the British dominion in Asia,—detached such of the Company's force as could be collected and spared, and such of his Majesty's ships as were on that station, to the assistance of Calcutta. And, to hasten this history to its conclusion,—the daring and commanding genius of Clive,—the patient and firm ability of Watson,—the treachery of Meer Jaffier,—and the battle of Plassey, gave us at once the patronage of a kingdom, and the command of all its treasures. We negotiated with

Meer

Meer Jaffier for the vice-royal throne of his Master. On that throne we seated him. And we obtained, on our part, immense sums of money. We obtained a million sterling for the Company; upwards of a million for individuals: in the whole, a sum of about two millions two hundred and thirty thousand pounds for various purposes from the prince, whom we had set up. We obtained too the town of Calcutta, more completely than we had before possessed it, and the twenty-four districts adjoining. This was the first small seminal principle of the immense territorial acquisitions we have since made in India.

Many circumstances of this acquisition I pass by. There is a sacred veil to be drawn over the beginnings of all governments. Ours, in India, had an origin like those, which time has sanctified by obscurity. Time, in the origin of most governments, has thrown this mysterious veil over them; prudence and discretion make it necessary to throw something of the same drapery over more recent foundations; in which otherwise the fortune, the genius, the talents, and military virtue of this nation never shone more conspicuously. But, whatever necessity might hide, or excuse, or palliate in the acquisition of power, a wise nation, when it has once made a revolution upon its own principles, and

for

for its own ends, rests there. The first step to empire is revolution, by which power is conferred; the next is good laws, good orders, good institutions, to give that power stability. I am sorry to say, that the reverse of this policy was the principle, on which the gentlemen in India acted. It was such as tended to make the new government as unstable as the old. By the vast sums of money acquired by individuals upon this occasion, by the immense sudden prodigies of fortune,—it was discovered, that a revolution in Bengal was a mine much more easily worked, and infinitely more productive, than the mines of Potosi and Mexico. It was found, that the work was not only very lucrative, but not at all difficult. Where Clive forded a deep water upon an unknown bottom, he left a bridge for his successours, over which the lame could hobble, and the blind might grope their way. There was not at that time a knot of clerks in a counting-house; there was not a captain of a band of ragged topasses, that looked for any thing less than the deposition of soubahs, and the sale of kingdoms. Accordingly, this revolution, which ought to have precluded other revolutions, unfortunately became fruitful of them; and when Lord Clive returned to Europe to enjoy his fame and fortune in his own country, there arose another description of men, who thought, that a

revolution

revolution might be made upon his revolution; and as lucrative to them as his was to the first projectors. Scarcely was Meer Jaffier, Lord Clive's Nabob, seated on his musnud, than they immediately, or in a short time, projected another revolution—a revolution, which was to unsettle all the former had settled—a revolution to make way for new disturbances, and new wars; and which led to that long chain of peculation, which ever since has afflicted and oppressed Bengal.

If ever there was a time, when Bengal should have had respite from internal revolutions, it was this. The Governour, forced upon the natives, was now upon the throne. All the great Lords of the Country, both Gentûs and Mahometans, were uneasy, discontented, and disobedient; and some absolutely in arms, and refusing to recognize the prince we had set up. An imminent invasion of the Mahrattas, an actual invasion headed by the son of the Mogul, the revenues on account of the late shock very ill collected, even where the Country was in some apparent quiet, an hungry treasury at Calcutta, an empty treasury at Moorshedabad,—every thing demanded tranquillity, and with it order and economy. In this situation it was resolved to make a new and entirely mercenary revolution; and to set up to sale the Government, secured to its present pos-

sessor by every tie of publick faith, and every sacred obligation, which could bind or influence mankind. This second revolution forms that period in the Bengal History, which had the most direct influence upon all the subsequent transactions. It introduces some of the persons, who were most active in the succeeding scenes, and from that time to this has given its tone and character to the British affairs and Government. It marks and specifies the origin and true principle of all the abuses, which Mr. Hastings was afterwards appointed to correct, and which the Commons charge, that he continued and aggravated—namely, the venal depositions, and venal exaltations of the Country powers,—the taking of bribes and corrupt presents from all parties in those changes; the vitiating and maiming the Company's records; the suppression of publick correspondence; corrupt combinations and conspiracies; perfidy in negotiation established into principle;—acts of the most atrocious wickedness justified upon purity of intention; mock-trials and collusive acquittals among the parties in common guilt,—and in the end, the Court of Directors supporting the scandalous breach of their own orders. I shall state the particulars of this second revolution more at large.

Soon after the revolution, which had seated Meer Jaffier on the vice-royal throne, the spirit of

of the Mogul empire began, as it were, to make one faint struggle, before it finally expired. The then heir to that throne, escaping from the hands of those, who had held his father prisoner, had put himself at the head of several chiefs, collected under the standard of his house, and appeared in force on the frontiers of the provinces of Bengal and Bahar, upon both which he made some impression. This alarmed the new powers, the Nabob Meer Jaffier, and the presidency of Calcutta; and as in a common cause, and by the terms of their mutual alliance, they took the field against him. The Nabob's eldest son, and heir-apparent, commanded in chief. Major Calliaud commanded the English forces under the Government of Calcutta. Mr. Holwell was in the temporary possession of the presidency. Mr. Vansittart was hourly expected to supersede him. Mr. Warren Hastings, a young gentleman about twenty-seven years of age, was Resident for the Company at the durbar, or court, of Meer Jaffier, our new created Nabob of Bengal, allied to this country by the most solemn treaties, that can bind men; for which treaties he had paid, and was then paying, immense sums of money. Mr. Warren Hastings was the pledge in his hands for the honour of the British nation, and their fidelity to their engagements.

In this situation Mr. Holwell, whom the terrible example of the Black Hole at Calcutta had not cured of ambition, thought an hour was not to be lost in accomplishing a revolution, and selling the reigning Nabob.

My Lords, there was in the house of Meer Jaffier, in his court, and in his family, a man of an intriguing, crafty, subtle, and at the same time bold, daring, desperate, bloody and ferocious character, called Cossim Ally Cawn. He was the son-in-law of Meer Jaffier; and he made no other use of this affinity, than to find some means to dethrone and to murder him. This was the person, in whose school of politicks Mr. Hastings made his first studies, and whose conduct he quotes as his example, and for whose friends, agents, and favourites, he has always shown a marked predilection. This dangerous man was not long without finding persons, who observed his talents with admiration, and who thought fit to employ him.

The Council at Calcutta was divided into two departments; one, the Council in general, the other, a Select Committee, which they had arranged for the better carrying on their political affairs. But the Select Committee had no power of acting wholly without the Council at large, at least finally and conclusively. The Select Committee thought otherwise. Between these

these litigant parties for power I shall not determine on the merits; thinking of nothing but the use, that was made of the power, to whomsoever it belonged. This secret Committee then, without communicating with the rest of the Council, formed the plan for a second revolution. But the concurrence of Major Calliaud, who commanded the British troops, was essential to the purpose, as it could not be accomplished without force. Mr. Hastings's assistance was necessary, as it could not be accomplished without treachery.

These are the parties concerned in the intended revolution. Mr. Holwell, who considered himself in possession only of temporary power, was urged to precipitate the business; for, if Mr. Vansittart should arrive before his plot could be finally put into execution, he would have all the leading advantages of it, and Mr. Holwell would be considered only as a secondary instrument. But whilst Mr. Holwell, who originally conceived this plot, urged forward the execution of it, in order that the chief share of the profits might fall to him, the Major, and possibly the Resident, held back, till they might receive the sanction of the permanent governour, who was hourly expected, with whom one of them was connected, and who was to carry with him the whole weight of the authority of this kingdom.

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This difference produced discussions. Holwell endeavoured by his correspondence to stimulate Calliaud to this enterprise, which, without him, could not be undertaken at all. But Major Calliaud had different views. He concurred inwardly, as he tells us himself, in all the principles of this intended revolution, in the propriety and necessity of it. He only wished delay. But he gave such powerful, solid, and satisfactory reasons, not against the delay, but the very merits of the design itself, exposing the injustice, and the danger of it, and the impossibility of mending by it their condition in any respect, as must have damned it in the mind of all rational men. At least it ought to have damned it for ever in his own. But you will see, that Holwell persevered in his plan; and that Major Calliaud thought two things necessary: first, not wholly to destroy the scheme, which he tells us he always approved; but to postpone the execution; and, in the mean time, to delude the Nabob by the most strong, direct, and sanguine assurances of friendship and protection, that it was possible to give to man.

Whilst the projected revolution stood suspended; whilst Mr. Holwell urged it forward, and Mr. Vansittart was expected every day to give it effect; whilst Major Calliaud with this design of ruining the Nabob lodged in his breast,

breast, suspended in execution, and condemned in principle, kept the fairest face, and the most confidential interviews with that unfortunate prince and his son—as the operations of the campaign relaxed, the army drew near to Moorshedabad the capital—when a truly extraordinary scene happened, such I am sure the English annals before that time had furnished no example of, nor will I trust in future. I shall state it as one piece from beginning to end—reserving the events, which intervened; because, as I do not produce any part of this series for the gratification of historical curiosity, the contexture is necessary to demonstrate to your Lordships the spirit of our Bengal politicks, and the necessity of some other sort of judicial inquiries than those, which that government institute for themselves. The transaction so manifestly marks the character of the whole proceeding, that I hope I shall not be blamed for suspending for a moment the narrative of the steps taken towards the revolution, that you may see the whole of this episode together; that by it you may judge of the causes, which led progressively to the state, in which the Company's affairs stood, when Mr. Hastings was sent for the express purpose of reforming it.

The business I am going to enter into is commonly known by the name of the story of

the Three Seals: it is to be found in the Appendix, No. 10, to the First Report of the state and condition of the East India Company, made in 1773. The word Report, my Lords, is sometimes a little equivocal; and may signify sometimes, not what is made known, but what remains in obscurity; the detail and evidence of many facts, referred to in the Report, being usually thrown into the Appendix. Many people, and I among the rest, (I take shame to myself for it) may not have fully examined that Appendix. I was not a member of either of the India Committees of 1773. It is not, indeed, till within this year, that I have been thoroughly acquainted with that memorable history of the three seals.

The history is this: in the year 1760, the allies were in the course of operations against the son of the Mogul, now the present Mogul, who, as I have already stated, had made an irruption into the kingdom of Bahar, in order to reduce the lower provinces to his obedience. The parties opposing him were the Nabob of Bengal, and the Company's troops under Major Calliaud. It was whilst they faced the common enemy as one body, this negotiation for the destruction of the Nabob of Bengal by his faithful allies of the Company was going on with diligence. At that time, the Nabob's son,

Meeran,

Meeran, a youth in the flower of his age, bold, vigorous, active; full of the politicks, in which those, who are versed in usurpation, are never wanting; commanded the army under his father; but was, in reality, the efficient person in all things. About the 15th of April 1760, as I have it from Major Calliaud's letter of that date, the Nabob came into his tent; and, with looks of the utmost embarrassment, big with some design, which swelled his bosom, something, that was too large and burdensome to conceal, and yet too critical to be told, appeared to be in a state of great distraction. The Major, seeing him in this condition, kindly, gently, like a fast and sure friend, employed (to use his own expression) *some of those assurances, that tend to make men fully open their hearts*; and accordingly, fortified by his assurances, and willing to disburden himself of the secret, that oppressed him, he opens his heart to the commanding officer of his new friends, allies, and protectors. The Nabob, thus assured, did open himself, and informed Major Calliaud, that he had just received a message from the prince, or his principal minister, informing him, that the Prince Royal, now the Mogul, had an intention (as indeed he rationally might, supposing, that we were as well disposed to him as we showed ourselves afterwards) to surrender himself into the

the hands of him, the Nabob; but at the same time wished, as a guarantee, that the Commander in Chief of the English forces should give him security for his life and his honour, when he should in that manner surrender himself to the Nabob. I do not mean, my Lords, by surrendering, that it was supposed he intended to surrender himself prisoner of war; but as a sovereign, dubious of the fidelity of those about him, would put himself into the hands of his faithful subjects, of those, who claimed to derive all their power, as both we and the Nabob did, under his authority. The Nabob stated to the English General, that, without this English security, the prince would not deliver himself into his hands. Here he confessed he found a difficulty. For the giving this faith, if it were kept, would defeat his ultimate view, which was, when the prince had delivered himself into his hands, in plain terms to murder him. This grand act could not be accomplished without the English General. In the first place, the prince, without the English security, would not deliver himself into the Nabob's hands; and afterwards, without the English concurrence, he could not be murdered. These were difficulties, that pressed upon the mind of the Nabob.

The English commander heard this astonishing proposition without any apparent emotion.

Being

Being a man habituated to great affairs, versed in revolutions, and with a mind fortified against extraordinary events, he heard it, and answered it without showing any signs of abhorrence or detestation; at the same time with a protestation, that he would indeed serve him, the Nabob, but it should be upon such terms as honour and justice could support; informing him, that an assurance for the prince's safety could not be given by him, until he had consulted Mr. Holwell, who was governour, and his superiour. This conversation passed in the morning. On that very morning, and whilst the transaction was hot, Major Calliaud writes to Mr. Holwell an account of it. In his letter he informs him, that he made an inquiry, without stating from whom, but that he did inquire the probability of the Nabob's getting possession of the prince from some persons, who assured him, that there was no probability of the prince's intention to deliver himself to the Nabob on any terms. Be that as it may, it is impossible not to remark, that the whole transaction of the morning of the 15th of April was not very discouraging to the Nabob; not such as would induce him to consider this most detestable of all projects as a thing utterly unfeasible, and as such to abandon it. The evening came on without any thing to alter his opinion. Major Calliaud that evening

evening came to the Nabob's tent to arrange some matters relative to the approaching campaign. The business soon ended with regard to the campaign; but the proposal of the morning to Major Calliaud, as might be expected to happen, was in effect renewed. Indeed the form was a little different; but the substantial part remained the same. Your Lordships will see what these alterations were.

In the evening scene the persons were more numerous. On the part of the Company, Major Calliaud, Mr. Lushington, Mr. Knox, and the Ambassadour at the Nabob's court, Mr. Warren Hastings. On the part of the Moorish government, the Nabob himself, his son Meeran, a Persian secretary, and the Nabob's head spy, an officer well known in that part of the world, and of some rank. These were the persons of the drama in the evening scene. The Nabob and his son did not wait for the prince's committing himself to their faith, which, it seems, Major Calliaud did not think likely to happen: so that one act of treachery is saved; but another opened of as extraordinary a nature. Intent and eager on the execution, and the more certain, of their design, they accepted the plan of a wicked wretch, principal servant of the then prime minister to the Mogul, or themselves suggested it to him. A person called Conery, dewan or principal

cipal steward to Camgar Khân, a great chief in the service of the shâh zadda or prince, (now the Great Mogul, the sovereign, under whom the Company holds their charter) had, it seems, made a proposal to the Nabob, that, if a considerable territory, then held by his master, was assured to him, and a reward of a lack of rupees, ten or twelve thousand pounds, secured to him, he would for that consideration, deliver the prince, the eldest son of the Mogul, alive into the hands of the Nabob; or, if that could not be effected, he engaged to murder him for the same reward. But as the assassin could not rely on the Nabob and his son for his reward for this meritorious action, and thought better of English honour and fidelity in such delicate cases, he required, that Major Calliaud should set his seal to the agreement. This proposition was made to an English commander; what discourse happened upon it is uncertain. Mr. Hastings is stated by some evidence to have acted as interpreter in this memorable congress. But Major Calliaud agreed to it without any difficulty. Accordingly an instrument was drawn, an indenture tripartite prepared by the Persian secretary, securing to the party the reward of this infamous, perfidious, murderous act. First, the Nabob put his own seal to the murder. The Nabob's son, Meeran,

affixed

affixed *his* seal. A third seal, the most important of all, was yet wanting. A pause ensued: Major Calliaud's seal was not at hand; but Mr. Lushington was sent near half a mile to bring it. It was brought at length; and the instrument of blood and treachery was completely executed. Three seals were set to it.

This business of the three seals, by some means not quite fully explained, but (as suspected by the parties) by means of the information of Mr. Holwell, who soon after came home, was conveyed to the ears of the Court of Directors. The Court of Directors wrote out, under date of the 7th of October 1761, within a little more than a year after this extraordinary transaction, to this effect:—that, in conjunction with the Nabob, Major Calliaud had signed a paper, offering a reward of a lack of rupees, or some such sum, to several black persons for the assassination of the shâh zadda, or prince heir apparent; which paper was offered to the then chief of Patna, to sign; but which he refused on account of the infamy of the measure. As it appeared in the same light to them, the Directors, they ordered a strict inquiry into it. The India Company, who here did their duty with apparent manliness and vigour, were resolved, however, to do it with gentleness, and to proceed

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in a manner, that could not produce any serious mischief to the parties charged; for they directed the commission of inquiry to the very clan and set of people, who, from a participation in their common offences, stood in awe of one another; in effect, to the parties in the transaction. Without a prosecutor, without an impartial director of the inquiry, they left it substantially to those persons to try one another for their common acts. Here I come upon the principle, which I wish most strongly to mark to your Lordships; I mean collusive trials, and collusive acquittals. When this matter came to be examined, according to the orders of the Court, which was on the 4th of October 1762, the Council consisted of Peter Maguire, Warren Hastings, and Hugh Watts. Mr. Hastings had by this time accomplished the business of Resident with the Nabob, and had taken the seat, to which his seniority entitled him, in Council. Here a difficulty arose *in limine*. Mr. Hastings was represented to have acted as interpreter in this business; he was therefore himself an object of the inquisition; he was doubtful as evidence; he was disqualified as a judge. It likewise appeared, that there might be some objection to others, whose evidence was wanting, but who were themselves concerned in the guilt. Mr. Lushington's evidence would be useful, but there were two circumstances rather unlucky.

unlucky. First, he had put the seal to the instrument of murder; and secondly, and what was most material, he had made an affidavit at Patna, whilst the affair was green and recent, that he had done so; and in the same affidavit had deposed, that Warren Hastings was interpreter in that transaction. Here were difficulties both on him and Mr. Hastings. The question was, how to get Mr. Hastings, the interpreter, out of his interpretation, and to put him upon the seat of judgment. It was effected, however, and the manner, in which it was effected, was something curious. Mr. Lushington, who by this time was got completely over, himself tells you, that in conferences with Major Calliaud, and by arguments and reasons by him delivered, he was persuaded to unsay his swearing, and to declare, that he believed, that the affidavit, which he made at Patna, and while the transaction was recent, or nearly recent, must be a mistake; that he *believed* (what is amazing indeed for any belief) that not Mr. Hastings, but he himself, interpreted. Mr. Lushington completely loses his own memory, and he accepts an offered, a given memory, a memory supplied to him by a party in the transaction. By this operation all difficulties are removed; Mr. Hastings is at once put into the capacity of a judge. He is declared by Mr. Lushington not to have been an interpreter

ter in the transaction. After this, Mr. Hastings is himself examined. Your Lordships will look at the transaction at your leisure, and I think you will consider it as a pattern for inquiries of this kind. Mr. Hastings is examined: he does not recollect. His memory also fails on a business; in which it is not easy to suppose a man could be doubtful whether he was present or not: he thinks he was not there; for that, if he had been there and acted as interpreter, he could not have forgot it.

I think it is pretty nearly as I state it; if I have fallen into any errour or inaccuracy it is easily rectified; for here is the state of the transaction given by the parties themselves. On this inaccurate memory of Mr. Hastings, not venturing, however, to say positively, that he was not the interpreter, or that he was not present, he is discharged from being an accomplice; he is removed from the bar, and leaps upon the seat of justice. The Court thus completed, Major Calliaud comes manfully forward to make his defence. Mr. Lushington is taken off his back in the manner we have seen, and no one person remains but Captain Knox. Now, if Captain Knox was there and assenting, he is an accomplice too. Captain Knox asserts, that, at the consultation about the murder, he said, it was a pity to cut off so fine a young fellow in

such a manner, meaning that fine young fellow the prince, the descendant of Tamerlane, the present reigning Mogul, from whom the Company derive their present charter. The purpose to be served by this declaration, if it had any purpose, was, that Captain Knox did not assent to the murder, and that therefore his evidence might be valid.

The defence set up by Major Calliaud was to this effect. He was apprehensive, he said, that the Nabob was alarmed at the violent designs, that were formed against him by Mr. Holwell; and that therefore to quiet his mind (to quiet it by a proposition compounded of murder and treason, an odd kind of mind he had, that was to be quieted by such means!) but to quiet his mind, and to show, that the English were willing to go all lengths with him, to sell body and soul to him, he did put his seal to this extraordinary agreement, he put his seal to this wonderful paper. He likewise stated, that he was of opinion at the time, that nothing at all sinister could happen from it, that no such murder was likely to take place, whatever might be the intention of the parties. In fact, he had very luckily said, in a letter of his written a day after the setting the seal, "I think nothing will come of this matter, but it is no harm to try." This experimental treachery, and these essays of conditional

ditional murder, appeared to him good enough to make a trial of; but at the same time he was afraid nothing would come of it. In general, the whole gest of his defence comes to one point, in which he persists,—that, whatever the act might be, his mind is clear—" my hands are guilty, but my heart is free." He conceived, that it would be very improper, undoubtedly, to do such an act, if he suspected any thing could happen from it; he, however, let the thing out of his own hands; he put it into the hands of others; he put the commission into the hands of a murderer. The fact was not denied—it was fully before these severe judges. The extenuation was the purity of his heart, and the bad situation of the Company's affairs, (the perpetual plea, which your Lordships will hear of for ever, and which if it will justify evil actions, they will take good care, that the most nefarious of their deeds shall never want a sufficient justification.) But then he calls upon his life and his character to oppose to his seal; and though he has declared, that Mr. Holwell had intended ill to the Nabob, and that he approved of those measures, and only postponed them, yet he thought it necessary, he says, to quiet the fears of the Nabob; and from this motive he did an act abhorrent to his nature, and which, he says, he expressed his abhorrence of the

morning after he signed it: not that he did so; but if he had, I believe it would only have made the thing so many degrees worse. Your Lordships will observe, that in this conference, as stated by himself, these reasons and apologies for it did not appear, nor did they appear in the letter, nor any where else, till next year when he came upon his trial. Then it was immediately recollected, that Mr. Holwell's designs were so wicked, they certainly must be known to the Nabob, though he never mentioned them in the conference of the morning or the evening of the 15th; yet such was now the weight and prevalence of them upon the Major's mind, that he calls upon Mr. Hastings to know whether the Nabob was not informed of these designs of Mr. Holwell against him. Mr. Hastings's memory was not quite correct upon the occasion. He does not recollect any thing of the matter. He certainly seems not to think, that he ever mentioned it to the Nabob, or the Nabob to him; but he does recollect, he thinks, speaking something to some of the Nabob's attendants upon it, and further this deponent sayeth not. On this state of things, namely, the purity of intention, the necessities of the Company, the propriety of keeping the Nabob in perfect good humour and removing suspicions from his mind, which suspicions he had never expressed, they

came

came to the resolution, I shall have the honour to read to you: "that the representation, given "in the said defence, of the state of the affairs "of the country at that time (that is, about the "month of April 1760) is true and just, [that "is, the bad state of the country, which we "shall consider hereafter;] that, in such cir-"cumstances, the Nabob's urgent account of "his own distresses, the Colonel's desire of "making him easy, [for here is a recapitulation "of the whole defence] as the first thing neces-"sary for the good of the service, and the "suddenness of the thing proposed, might de-"prive him for a moment of his recollection, "and surprise him into a measure, which, as to "the measure itself, he could not approve. "That such only were the motives, which did "or could influence Colonel Calliaud to assent "to the proposal, is fully evinced by the depo-"sition of Captain Knox and Mr. Lushington, "that his (*Calliaud's*) *conscience, at the time, "never reproached him with a bad design.*"

Your Lordships have heard of the testimony of a person to his own conscience; but the testimony of another man to any one's conscience —this is the first time, I believe, it ever appeared in a judicial proceeding. It is natural to say, "my conscience acquits me of it;" but *they* declare, that "*his* conscience never re-"proached him with a bad design, and there-

" fore, upon the whole, they are satisfied, that " his intention was good, though he erred in " the measure."

I beg leave to state one thing, that escaped me, that the Nabob, who was one of the parties to the design, was, at the time of the inquiry, a sort of prisoner or an exile at Calcutta; that his moonshee was there, or might have been had; and that his spy was likewise there; and that they, though parties to this transaction, were never called to account for it in any sense or in any degree, or to show how far it was *necessary* to quiet the Nabob's mind.

The accomplices by acquitting him upon *their* testimony to his *conscience* did their business nobly. But the good Court of Directors, who were so easily satisfied, so ready to condemn at the first proposition, and so ready afterwards to acquit, put the last finishing hand of a master to it. For the accomplices acquit him of evil intentions, and excuse his act. The Court of Directors disapproving indeed the measure, but receiving the testimony of his conscience in justification of his conduct, and taking up the whole ground, honourably acquit him, and commend this action as an instance of heroick zeal in their service.

The great end and purpose, for which I produce this to your Lordships, is to show you the necessity

necessity there is for other inquiries, other trials, other acquittals of parties, than those made by a collusive clan abroad, or by the Directors at home, who had required the parties to inquire of themselves, and to take the testimony of the judges at second-hand, as to the conscience of the party accused, respecting acts, which neither they nor any man living can look upon but with horrour.

I have troubled your Lordships with the story of the three seals, as a specimen of the then state of the service, and the politicks of the servants, civil and military, in the horrid abuses, which then prevailed, and which render at length the most rigorous reformation necessary.

I close this episode to resume the proceedings at the second revolution. This affair of the three seals was, we have seen, to quiet the fears of the Nabob. His fears it was, indeed, necessary to quiet; for your Lordships will see, that the man, whose fears were to be set asleep by Major Calliaud's offering him, in a scheme for murdering his sovereign, an odd sort of opiate, made up of blood and treason, was now in a fair way of being murdered himself by the machinations of him, whose seal was set to his murderous security of peace, and by those his accomplices, Holwell and Hastings; at least they resolved to put him in a situation, in which his

murder was in a manner inevitable, as you will see in the sequel of the transaction. Now the plan proceeds. The parties continued in the camp; but there was another *remora.* To remove a Nabob, and to create a revolution, is not easy; houses are strong, who have sons grown up with vigour and fitness for the command of armies. They are not easily overturned by removing the principal, unless the secondary is got rid of: and if this *remora* could be removed, every thing was going on in a happy way in the business. This plan, which now (that is, about the month of July) began to get into great ripeness and forwardness, Mr. Holwell urged forward, Mr. Vansittart being hourly expected.

I do not know whether I am going to state a thing, though it is upon the records, which will not have too theatrical an appearance for the grave state, in which we are. But here it is—the difficulty, the knot, and the solution, as recorded by the parties themselves. It was the object of this bold, desperate, designing man, Cossim Ally Cawn, who aimed at every thing, and who scrupled not to do any thing in attaining what he aimed at, to be appointed the lieutenant of the Nabob Jaffier Ally, and thus to get possession of his office during his lifetime under that name, with a design of murdering him;

him; for that office, according to many usages of that country, totally supersedes the authority of the first magistrate, renders him a cypher in his hand, gives the administration of his affairs and command of his troops to the lieutenant. It was a part of his plan, that he was, after his appointment to the lieutenancy, to be named to the succession of the Nabob, who had several other children; but the eldest son stood in the way.

But as things hastened to a crisis, this difficulty was removed in the most extraordinary and providential unheard of manner, by the most extraordinary event, that, I believe, is recorded in history. Just in the nick of time, in the moment of projection, on the 3d of July, this prince Meeran, in the flower of his age, bold, active, enterprising, lying asleep in his tent, is suddenly, without any one's knowing it, without any alarm or menace in the heavens, that ever was heard of or mentioned, without any one whatever being hurt or even alarmed in the camp, killed with a flash of lightning. My Lords, thus was the Gordian knot cut. This prince dies of a flash of lightning, and Mr. Lushington (of whom you have heard) comes in the morning with his hair standing erect, comes frightened into the presence of Major Calliaud, and, with the utmost alarm, tells him of a circumstance, that was

afterwards

afterwards to give them so much pleasure. The alarm was immediately communicated to the Major, who was seized with a fright; and fearing lest the army should mutiny upon the death of their Chief, it was contrived in a manner, that I believe was most difficult to contrive, that what might have excited a general mutiny was concealed by the ability, the good conduct, and dexterity of Major Calliaud for seven days together, till he led the army out of the place of danger. Thus a judgment fell upon one of the (innocent) murderers in the scene of the three seals. This man, who was probably guilty in his conscience as well as in act, thus fell by that most lucky, providential, and most useful flash of lightning.

There were at that time, it seems, in Calcutta a wicked sceptical set of people, who somehow or other believed, that *human* agency was concerned in this elective flash, which came so very opportunely, and which was a favour so thankfully acknowledged. These wicked, ill-natured scepticks disseminated reports (which I am sure I do not mean to charge or prove, leaving the effect of them to you) very dishonourable, I believe, to Cossim Ally Cawn in the business, and to some Englishmen, who were concerned.

The difficulty of getting rid of Meeran being thus removed, Mr. Vansittart comes upon the scene.

scene. I verily believe he was a man of good intentions, and rather debauched by that amazing flood of iniquity, which prevailed at that time, or hurried and carried away with it. In a few days he sent for Major Calliaud. All his objections vanish in an *instant*; like that flash of lightning, every thing is *instant*. The Major agrees to perform his part. They send for Cossim Ally Cawn and Mr. Hastings, they open a treaty and conclude it with him, leaving the management of it to two persons, Mr. Holwell and another person, whom we have heard of, an Armenian, called Coja Petruse, who afterwards played his part in another illustrious scene. By this Petruse and Mr. Holwell the matter is settled. The moment Mr. Holwell is raised to be a secretary of state, the revolution is accomplished. By it Cossim Ally Cawn is to have the lieutenancy at present, and the succession. Every thing is put into his hands, and he is to make for it large concessions, which you will hear of afterwards, to the Company. Cossim Ally Cawn proposed to Mr. Holwell, what would have been no bad supplement to the flash of lightning, the murder of the Nabob; but Mr. Holwell was a man of too much honour and conscience to suffer that. He instantly flew out at it, and declared the whole business should stop, unless the affair of the murder was given up.

up. Accordingly, things were so settled. But, if he gave the Nabob over to an intending murderer, and delivered his person, treasure, and every thing into his hands, Cossim Ally Cawn might have had no great reason to complain of being left to the execution of his own projects in his own way. The treaty was made, and amounted to this, that the Company was to receive three great provinces; for here, as we proceed, you will have an opportunity of observing, with the progress of these plots, one thing, which has constantly and uniformly pervaded the whole of these projects, and which the persons concerned in them have avowed as a principle of their actions—that they were first to take care of the Company's interest, then of their own; that is, first to secure to the Company an enormous bribe, and under the shadow of that bribe to take all the little emoluments they could to themselves. Three great rich southern provinces, maritime, or nearly maritime, Burdwan, Midnapore, and Chittagong, were to be dissevered from the Soubah and to be ceded to the Company. There were other minor stipulations, which it is not necessary at present to trouble you with, signed, sealed, and executed at Calcutta between these parties with the greatest possible secrecy. The lieutenancy and the succession were secured to Cossim Ally, and

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he was likewise to give somewhere about the sum of 200,000*l.* to the gentlemen, who were concerned, as a reward for serving him so effectually, and for serving their country so well. Accordingly, these stipulations, actual or understood (for they were eventually carried into effect) being settled, a commission of delegation, consisting chiefly of Mr. Vansittart and Major Calliaud, was sent up to Moorshedabad; the new governour taking this opportunity of paying the usual visit of respect to the Nabob, and in a manner, which a new governour coming into place would do, with the detail of which it is not necessary to trouble you. Mr. Hastings was at this time at the Durbar; and having every thing prepared, and the ground smoothed, they first endeavoured to persuade the Nabob to deliver over the power negotiated for into the hands of their friend Cossim Ally Cawn. But when the old man, frightened out of his wits, asked, "What is it he has bid for me?" and added, "I will give half as much again to save myself; "pray let me know what my price is;" he entreated in vain. They were true, firm, and faithful to their word and their engagement. When he saw they were resolved, that he should be delivered into the hands of Cossim Ally Cawn, he at once surrenders the whole to him. They instantly grasp it. He throws himself into a boat,

a boat, and will not remain at home an hour, but hurries down to Calcutta to leave his blood at our door, if we should have a mind to take it. But the life of the Nabob was too great a stake; partly as a security for the good behaviour of Cossim Ally Cawn, and still more for the future use, that might be made of him, to be thrown away, or left in the hands of a man, who would certainly murder him, and who was very angry at being refused the murder of his father-in-law. The price of this second revolution was, according to their shares in it, (I believe I have it here) somewhere about 200,000 *l.* This little effusion to private interest settled the matter, and here ended the second revolution in the country; effected indeed without bloodshed, but with infinite treachery; with infinite mischief, consequent to the dismemberment of the country, and which had nearly become fatal to our concerns there, like every thing else in which Mr. Hastings had any share. . .

This prince, Cossim Ally Cawn, the friend of Mr. Hastings, knew, that those, who could give, could take away, dominion. He had scarcely got upon the throne, procured for him by our publick spirit and his own iniquities, than he began directly and instantly to fortify himself and to bend all his politicks against those, who were or could be the donors of such fatal gifts.

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He began with the natives, who were in their interest, and cruelly put to death, under the eye of Mr. Hastings and his clan, all those, who by their monied wealth, or landed consideration, could give any effect to their dispositions in favour of those ambitious strangers. He removed from Moorshedabad higher up into the country, to Monghir, in order to be more out of our view. He kept his word pretty well, but not altogether faithfully, with the gentlemen; and though he had no money, for his treasury was empty, he gave obligations, which are known by the name of *Jeeps*—(the Indian vocabulary will by degrees become familiar to your Lordships, as we develope the modes and customs of the country.) As soon as he had done this, he began to rack and tear the provinces, that were left to him, to get as much from them as should compensate him for the revenues of those great provinces he had lost; and accordingly he began a scene of extortion, horrible, nefarious, without precedent or example, upon almost all the landed interest of that country. I mention this, because he is one of those persons, whose governments Mr. Hastings, in a paper, called his Defence, delivered in to the House of Commons, has produced as precedents and examples, which he has thought fit to follow, and which he thought would justify him in the conduct he has

has pursued. This Cossim Ally Cawn, after he had acted the tyrant on the landed interest, fell upon the monied interest. In that country there was a person called Juggut Seit. There were several of the family, who were bankers to such a magnitude as was never heard of in the world. Receivers of the publick revenue, their correspondence extended all over Asia; and there are those, who are of opinion, that the house of Juggut Seit, including all its branches, was not worth less than six or seven millions sterling. This house became the prey of Cossim Ally Cawn; but Mr. Holwell had predicted, that it *should be delivered over to Satan to be buffeted* (his own pious expression.) He predicted the misfortunes, that should befal them; and we chose a Satan to buffet them, and who did so buffet them by the murder of the principal persons of the house, and by robbing them of great sums of their wealth, that I believe such a scene of nefarious tyranny, destroying and cutting up the root of publick credit in that country, was scarce ever known. In the mean time Cossim was extending his tyranny over all, who were obnoxious to him; and the persons he first sought were those traitors, who had been friends to the English. Several of the principal of these he murdered. There was in the province of Bahar a man named

named Ramarain; he had got the most positive assurances of English faith; but Mr. Macguire, a Member of the Council, on the receipt of 5,000 gold mohors, or something more than 8,000*l.* sterling, delivered him up to be first imprisoned, then tortured, then robbed in consequence of the torture, and finally murdered by Cossim Ally Cawn. In this way Cossim Ally Cawn acted, while our Government looked on. I hardly choose to mention to you the fate of a certain native in consequence of a dispute with Mr. Mott, a friend of Mr. Hastings, which is in the Company's Records—Records, which are almost buried by their own magnitude from the knowledge of this country. In a contest with this native for his house and property, some scuffle having happened between the parties, the one attempting to seize and the other to defend, the latter made a complaint to the Nabob, who was in an entire subjection at that time to the English; and who ordered this unfortunate man, on account of this very scuffle arising from defending his property, to be blown off from the mouth of a cannon. In short, I am not able to tell your Lordships of all the nefarious transactions of this man, whom the intrigues of Mr. Holwell and Mr. Hastings had set upon the throne of Bengal. But there is a circumstance in this business, that comes across here, and will tend to show another

grievance, that vexed that country, which vexed it long, and is one of the causes of its chief disasters, and which, I fear, is not so perfectly extirpated but that some part of its roots may remain in the ground at this moment.

Commerce, which enriches every other country in the world, was bringing Bengal to total ruin. The Company, in former times, when it had no sovereignty or power in the country, had large privileges under their Dustuck or Permit; their goods passed without paying duties through the country. The servants of the Company made use of this dustuck for their own private trade, which, while it was used with moderation, the native Government winked at in some degree; but, when it got wholly into private hands, it was more like robbery than trade. These traders appeared every where; they sold at their own prices, and forced the people to sell to them at their own prices also. It appeared more like an army going to pillage the people, under pretence of commerce, than any thing else. In vain the people claimed the protection of their own country courts. This English army of traders, in their march, ravaged worse than a Tartarian conqueror. The trade they carried on, and which more resembled robbery than commerce, anticipated the resources of the tyrant, and threatened to leave him no materials for imposition or confiscation. Thus this

this miserable country was torn to pieces by the horrible rapaciousness of a double tyranny. This appeared to be so strong a case, that a deputation was sent to him at his new capital Monghir, to form a treaty for the purpose of giving some relief against this cruel, cursed, and oppressive trade, which was worse even than the tyranny of the sovereign. This trade Mr. Vansittart, the President about this time, that is in 1763, who succeeded to Mr. Holwell, and was in close union of interests with the tyrant Cossim Ally Cawn, by a treaty known by the name of the Treaty of Monghir, agreed very much to suppress and to confine within something like reasonable bounds. There never was a doubt on the face of that treaty, that it was a just, proper, fair transaction. But as nobody in Bengal did then believe, that rapine was ever forborn, but in favour of bribery, the persons, who lost every advantage by the treaty of Monghir, when they thought they saw corrupt negotiation carrying away the prizes of unlawful commerce, and were likely to see their trade crippled by Cossim Ally Cawn, fell into a most violent fury at this treaty; and as the treaty was made without the concurrence of the rest of the Council, the Company's servants grew divided, one part were the advocates of the treaty, the other of the trade. The latter were universally of opinion, that the treaty was bought for a great sum of

money. The evidence we have on our records of the sums of money, that are stated to have been paid on this occasion, has never been investigated to the bottom. But we have it on record, that a great sum (70,000*l.*) was paid to persons concerned in that negotiation. The rest were exceedingly wroth to see themselves not profiting by the negotiation, and losing the trade, or likely to be excluded from it; and they were the more so, because, as we have it upon our journals, during all that time the trade of the negotiators was not proscribed, but a perwannah was issued by Cossim Ally Cawn, that the trade of his friends, Mr. Vansittart and Mr. Hastings, should not be subject to the general regulations. This filled the whole settlement with ill blood; but in the regulation itself (I put the motive and the secret history out of the case) undoubtedly Mr. Hastings and Mr. Vansittart were on the right side. They had shown to a demonstration the mischief of this trade. However, as the other party were strong, and did not readily let go their hold of this great advantage, first, dissentions, murmurs, various kinds of complaints and ill blood arose. Cossim Ally was driven to the wall; and, having at the same time made what he thought good preparations, a war broke out at last. And how did it break out? This Cossim Ally Cawn signalized his first acts of hostility by an atrocity committed

committed against the faith of treaties, against the rules of war, against every principle of honour. This intended murderer of his father-in-law, whom Mr. Hastings had assisted to raise to the throne of Bengal, well knowing his character and his disposition, and well knowing what such a man was capable of doing, this man massacred the English wherever he met them. There were two hundred or thereabouts of the Company's servants, or their dependants, slaughtered at Patna with every circumstance of the most abominable cruelty. Their limbs were cut to pieces. The tyrant, whom Mr. Hastings set up, cut and hacked the limbs of British subjects in the most cruel and perfidious manner; threw them into wells, and polluted the waters of the country with British blood. Immediately war is declared against him in form. That war sets the whole country in a blaze; and then other parties begin to appear upon the scene, whose transactions you will find yourselves deeply concerned in hereafter.

As soon as war was declared against Cossim, it was necessary to resolve to put up another Nabob, and to have another revolution; and where do they resort but to the man, whom, for his alleged tyranny, for his incapacity, for the numberless iniquities he was said to have committed, and for his total unfitness and disinclination to all the duties of government, they had dethroned.

This very man they take up again to place on the throne, from which they had about two years before removed him, and for the effecting of which they had committed so many iniquities. Even this revolution was not made without being paid for. According to the usual order of procession, in which the youngest walk first—First comes the Company; and the Company had secured to it in perpetuity those provinces which Cossim Ally Cawn had ceded, as it was thought, rather in the way of mortgage than any thing else. Then, under the name of compensation for sufferings to the people concerned in the trade, and in the name of donation to an army and a navy, which had little to do in this affair, they tax him, What sum do you think? They tax that empty and undone treasury of that miserable and undone country, 500,000*l.* for a private emolument to themselves; for the compensation for this iniquitous trade; for the compensation for abuses, of which he was neither the author nor the abettor; they tax this miserable prince, 500,000*l.* That sum was given to individuals. Now comes the Company at home, which, on hearing this news, was all inflamed. The Directors were on fire. They were shocked at it, and particularly at this donation to the army and navy. They resolved they would give it no countenance and support. In the mean time the gentlemen did not trouble their heads

upon

upon that subject, but meant to exact and get their 500,000*l.* as they could.

Here was a third revolution bought at this amazing sum, and this poor miserable prince first dragged from Moorshedabad to Calcutta, then dragged back from Calcutta to Moorshedabad, the sport of fortune, and the plaything of avarice. This poor man is again set up, but is left with no authority; his troops limited, his person—every thing about him in a manner subjugated, a British Resident the master of his court: he is set up as a pageant on this throne, with no other authority but what would be sufficient to give a countenance to presents, gifts, and donations. That authority was always left, when all the rest was taken away. One would have thought, that this revolution might have satisfied these gentlemen, and that the money gained by it would have been sufficient. No. The partisans of Cossim Ally wanted another revolution. The partisans of the other side wished to have something more done in the present. They now began to think, that to depose Cossim instantly, and to sell him to another, was too much at one time; especially as Cossim Ally was a man of vigour and resolution, carrying on a fierce war against them. But what do you think they did? They began to see, from the example of Cossim Ally, that the lieute-

nancy, the ministry of the king, was a good thing to be sold; and the sale of that might turn out as good a thing as the sale of the prince. For this office there were two rival candidates, persons of great consideration in Bengal; one, a principal Mahommedan called Mahomed Reza Cawn, a man of high authority,—great piety in his own religion,—great learning in the law,—of the very first class of Mahommedan nobility:—but at the same time, on all these accounts, he was abhorred and dreaded by the Nabob, who necessarily feared, that a man of Mahomed Reza Cawn's description would be considered as better entitled and fitter for his seat, as Nabob of the provinces.

To balance him, there was another man, known by the name of the Great—Rajah Nundcomar: this man was accounted the highest of his cast, and held the same rank among the Gentûs, that Mahomed Reza Cawn obtained among the Mahommedans. The prince on the throne had no jealousy of Nundcomar, because he knew, that, as a Gentû, he could not aspire to the office of Soubahdar. For that reason he was firmly attached to him; he might depend completely on his services; he was *his* against Mahomed Reza Cawn, and against the whole world. There was, however, a flaw in the Nabob's title, which it was necessary should be hid.

hid. And perhaps it lay against Mahomed Reza Cawn as well as him. But it was a source of apprehension to the Nabob, and contributed to make him wish to keep all Mahommedan influence at a distance. For he was a Syed, that is to say, a descendant of Mahomed, and as such, though of the only acknowledged nobility among Mussulmen, would be by that circumstance excluded by the known laws of the Mogul empire from being Soubahdar in any of the Mogul provinces, in case the revival of the constitution of that empire should ever again take place.

An auction was now opened before the English Council at Calcutta. Mahomed Reza Cawn bid largely; Nundcomar bid largely. The circumstances of these two rivals at the Nabob Court were equally favourable to the pretensions of each. But the preponderating merits of Mahomed Reza Cawn, arising from the subjection, in which he was likely to keep the Nabob, and make him fitter for the purpose of continued exactions, induced the Council to take his money, which amounted to about 220,000 *l.* Be the sum paid what it may, it was certainly a large one. In consequence of which the Council attempted to invest Mahomed Reza Cawn with the office of Naib Soubah or deputy viceroy. As to Nundcomar, they fell upon him

with

with a vengeful fury: he fought his battle as well as he could; he opposed bribe to bribe, eagle to eagle; but at length he was driven to the wall. Some received his money, but did him no service in return: others, more conscientious, refused to receive it: and in this battle of bribes he was vanquished. A deputation was sent from Calcutta to the miserable Nabob, to tear Nundcomar, his only support, from his side; and to put the object of all his terrours, Mahomed Reza Cawn, in his place.

Thus began a new division, that split the Presidency into violent factions; but the faction, which adhered to Nundcomar, was undoubtedly the weakest. That most miserable of men, Meer Jaffier Ally Cawn, clinging, as to the last pillar, to Nundcomar, trembling at Mahomed Reza Cawn, died in the struggle, a miserable victim to all the revolutions, to all the successive changes and versatile politicks at Calcutta. Like all the rest of the great personages, whom we have degraded and brutalized by insult and oppression, he betook himself to the usual destructive resources of unprincipled misery—sensuality, opium, and wine. His gigantick frame of constitution soon gave way under the oppression of this relief, and he died, leaving children and grand-children by wives and concubines.

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On the old Nabob's death Mahomed Reza Cawn was acknowledged deputy Nabob, the money paid, and this revolution completed.

Here my Lords opened a new source of plunder, peculation, and bribery, which was not neglected. Revolutions were no longer necessary, succession supplied their places; and well the object agreed with the policy. Rules of succession could not be very well ascertained to an office like that of the Nabob, which was hereditary only by the appointment of the Mogul. The issue by lawful wives would naturally be preferred by those who meant the quiet of the country. But a more doubtful title was preferred, as better adapted to the purposes of extortion and peculation. This miserable succession was sold, and the eldest of the issue of Munny Begum, an harlot, brought in to pollute the Haram of the seraglio, of whom you will hear much hereafter, was chosen. He soon succeeded to the grave. Another son of the same prostitute succeeded to the same unhappy throne, and followed to the same untimely grave. Every succession was sold; and between venal successions, and venal revolutions, in a very few years seven princes and six sales were seen successively in Bengal. The last was a minor, the issue of a legitimate wife, admitted to succeed because a minor, and because there

was

was none illegitimate left. He was instantly stripped of the allowance of his progenitors, and reduced to a pension of 160,000 a year. He still exists, and continued to the end of Mr. Hastings's government, to furnish constant sources of bribery and plunder to him and his creatures.

The offspring of Munny Begum clinging, as his father did, to Nundcomar, they tore Nundcomar from his side, as they had done from the side of his father, and carried him down as a sort of prisoner to Calcutta; where, having had the weakness to become the first informer, he was made the first example. This person, pushed to the wall, and knowing, that the man he had to deal with, was desperate and cruel in his resentments, resolves on the first blow, and enters before the council a regular information in writing, of bribery against Mr. Hastings. In his preface to that charge he excuses himself for what is considered to be an act equally insane and wicked, and as the one inexpiable crime of an Indian—the discovery of the money he gives; —that Mr. Hastings had declaredly determined on his ruin, and to accomplish it had newly associated himself with one Mohun Persaud, a name I wish your Lordships to remember; a bitter enemy of his, an infamous person, whom Mr. Hastings knew to be such, and as such had

turned

turned him out of his house; that Mr. Hastings had lately recalled, and held frequent communications with this Mohun Persaud, the subject of which he had no doubt was his ruin. In the year 1775 he was hanged by those incorrupt English judges, who were sent to India by Parliament to protect the natives from oppression.

Your Lordships will observe, that this new sale of the office of ministers succeeded to the sale of that of Nabobs. All these varied and successive sales shook the country to pieces. As if those miserable exhausted provinces were to be cured of inanition by phlebotomy—while Cossim Ally was racking it above, the Company were drawing off all its nutriment below. A dreadful, an extensive, and most chargeable war followed. Half the northern force of India poured down like a torrent on Bengal, endangered our existence, and exhausted all our resources. The war was the fruit of Mr. Hastings's cabals. Its termination, as usual, was the result of the military merit, and the fortune of this nation. Cossim Ally, after having been defeated by the military genius and spirit of England, (for the Adamses, Monroes, and others of that period, I believe, showed as much skill and bravery as any of their predecessors) in his flight swept away above three millions in money, jewels, or effects, out of a country, which he had

had plundered and exhausted by his unheard of exactions. However, he fought his way like a retiring lion, turning his face to his pursuers. He still fought along his frontier. His ability and his money drew to his cause the Soubahdar of Oude, the famous Suja ul Dowla. The Mogul entered into these wars, and penetrated into the lower provinces on one side, whilst Bulwant Sing, the Rajah of Benares, entered them on another. After various changes of party, and changes of fortune, the loss, which began in the treachery of the civil service, was, as I have before remarked, redeemed by military merit. Many examples of the same sort have since been seen.

Whilst these things were transacted in India, the Court of Directors in London, hearing of so many changes, hearing of such an incredible mass of perfidy and venality, knowing, that there was a general market made of the country and of the Company; that the flame of war spread from province to province; that, in proportion as it spread, the fire glowed with augmented fierceness; and that the rapacity, which originally gave rise to it, was following it in all its progress; the Company, my Lords, alarmed not only for their acquisitions but their existence, and finding themselves sinking lower and lower by every victory they obtained, thought it ne-

cessary

cessary at length to come to some system and some settlement. After composing their differences with Lord Clive, they sent him out to that country about the year 1765, in order, by his name, weight, authority, and vigour of mind, to give some sort of form and stability to Government, and to rectify the innumerable abuses, which prevailed there; and particularly that great source of disorders, that fundamental abuse—presents: for the bribes, by which all these revolutions were bought, had not the name of conditions, stipulations, or rewards; they even had the free and gratuitous style of presents. The receivers contended, that they were mere gratuities given for service done, or mere tokens of affection and gratitude to the parties. They may give them what names they please, and your Lordships will think of them what you please. But they were the donations of misery to power, the gifts of sufferers to the oppressors; and consequently, where they prevailed, they left no certain property or fixed situation to any man in India from the highest to the lowest.

The Court of Directors sent out orders to enlarge the servants' covenants, with new and severe clauses, strongly prohibiting the practice of receiving presents. Lord Clive himself had been a large receiver of them. Yet, as it was in the moment

moment of a revolution, which gave them all they possessed, the Company would hear no more of it. They sent him out to reform—whether they chose well or ill, does not signify. I think, upon the whole, they chose well; because his name and authority could do much. They sent him out to redress the grievances of that country, and it was necessary he should be well armed for that service. They sent him out with such powers as no servant of the Company ever held before. I would not be understood here in my own character, much less in the delegated character, in which I stand, to contend for any man in the totality of his conduct. Perhaps in some of his measures he was mistaken, and in some of his acts reprehensible: but justice obliges me to say, that the plan, which he formed, and the course, which he pursued, were in general great and well imagined; that he laid great foundations, if they had been properly built upon. For, in the first place he composed all the neighbouring countries, torn to pieces by the wars of Cossim Ally, and quieted the apprehensions, raised by the opinion of the boundless ambition of England. He took strong measures to put an end to a great many of the abuses, that prevailed in the country subject to the Company. He then proceeded to the upper provinces; and formed a plan, which, for a military

man, has great civil and political merit. He put a bound to the aspiring spirit of the Company's servants; he limited its conquests; he prescribed bounds to its ambition. First (says he) quiet the minds of the country; what you have obtained, regulate; make it known to India, that you resolve to acquire no more. On this solid plan he fixed every prince, that was concerned in the preceding wars, on the one side and on the other, in an happy and easy settlement. He restored Sujah ul Dowla, who had been driven from his dominions by the military arm of Great Britain, to the rank of Vizier, and to the dominion of the territories of Oude. With a generosity, that astonished all Asia, he reinstated this expelled enemy of his nation peaceably upon his throne. And this act of politick generosity did more towards quieting the minds of the people of Asia than all the terrour, great as it was, of the English arms. At the same time Lord Clive, generous to all, took peculiar care of our friends and allies. He took care of Bulwant Sing, the great Rajah of Benares, who had taken our part in the war. He secured him from the revenge of Sujah ul Dowla. The Mogul had granted us the superiority over Bulwant Sing. Lord Clive reestablished him in a secure, easy, independency. He confirmed

him, under the British guarantee, in the rich principality, which he held.

The Mogul, the head of the Musselman religion in India, and of the Indian empire, a head honoured and esteemed even in its ruins, he procured to be recognized by all the persons, that were connected with his empire. The rents, that ought to be paid to the vizier of the empire, he gave to the vizeret. Thus, our alliances were cemented; our enemies were reconciled; all Asia was conciliated by our settlement with the king.

To that unhappy fugitive king, driven from place to place, the sport of fortune, now an emperour, and now a prisoner, prayed for in every mosque, in which his authority was conspired against, one day opposed by the coin struck in his name, and the other day sold for it, to this descendant of Tamerlane he allotted, with a decent share of royal dignity, an honourable fixed residence, where he might be useful, and could not be dangerous.

As to the Bengal provinces, he did not take for the Company the vice-royalty, as Mr. Holwell would have persuaded, almost forced, the Company to do; but, to satisfy the prejudices of the Mahommedans, the country was left in the hands nominally of the Soubah or viceroy, who was to

administer

administer the criminal justice and the exterior forms of royalty. He obtained from the Sovereign the Dewannee. This is the great act of the constitutional entrance of the Company into the body politick of India. It gave to the settlement of Bengal a fixed constitutional form, with a legal title acknowledged and recognized now for the first time by all the natural powers of the country, because it arose from the charter of the undoubted Sovereign. The Dewannee, or High-Stewardship, gave to the Company the collection and management of the revenue; and in this modest and civil character they appeared not the oppressors but the protectors of the people. This scheme had all the real power, without any invidious appearance of it; it gave them the revenue, without the parade of sovereignty. On this double foundation the Government was happily settled. The minds of the natives were quieted. The Company's territories and views were circumscribed. The arm of force was put out of sight. The imperial name covered every thing. The power of the purse was in the hand of the Company. The power of the sword was in effect so, as they contracted for the maintenance of the army. The Company had a revenue of a million and a half. The Nabob had indeed fallen from any real and effective power, yet the dignity of the Court was maintained; the prejudices and in-

terests of the Mahommedans, and particularly of their nobility, who had suffered more by this great revolution even than the old inhabitants of the country, were consulted: for by this plan a revenue of 500,000*l.* was settled on the vice-royalty, which was thus enabled to provide in some measure for those great families. The Company likewise, by this plan, in order to enjoy their revenues securely, and to avoid envy and murmur, put them into the hands of Mahomed Reza Cawn, whom Lord Clive found in the management of affairs, and did not displace; and he was now made deputy steward to the Company, as he had been before lieutenant-viceroy to the Nabob. A British Resident at Moorshedabad was established as a control. The Company exercised their power over the revenue in the first instance, through the natives, but the British Resident was in reality the great mover.

If ever this nation stood in a situation of glory throughout Asia, it was in that moment. But as I have said, some material errours and mistakes were committed. After the formation of this plan, Lord Clive unfortunately did not stay long enough in the country to give consistency to the measures of reformation he had undertaken, but rapidly returned to England; and after his departure the Government, that continued, had not vigour, or authority, to support the settlement then made; and considerable abuses

abuses began to prevail in every quarter. Another capital period in our history here commences. Those, who succeeded, (though I believe one of them was one of the honestest men, that ever served the Company, I mean Governour Verelst) had not weight enough to poize the system of the service, and consequently many abuses and grievances again prevailed—Supervisors were appointed to every district, as a check on the native collectors, and to report every abuse, as it should arise. But they, who were appointed to redress grievances, were themselves accused of being guilty of them. However the disorders were not of that violent kind, which preceded Mr. Hastings's departure, nor such as followed his return—no mercenary wars—no mercenary revolutions, no extirpation of nations, no violent convulsions in the revenue, no subversion of antient houses, no general sales of any descriptions of men—none of these, but certainly such grievances as made it necessary for the Company to send out another commission in 1769, with instructions pointing out the chief abuses. It was composed of Mr. Vansittart, Mr. Ford, and Mr. Scrafton. The unfortunate end of that Commission is known to all the world: but I mention it in order to state, that the receipt of presents was considered as one of the grievances, which then prevailed in India; and

that the supervisors under that commission were ordered upon no account whatever to take presents. Upon the unfortunate catastrophe, which happened, the Company was preparing to send out another for the rectification of these grievances, when Parliament thought it necessary to supersede that commission—to take the matter into their own hands, and to appoint another commission in a parliamentary way (of which Mr. Hastings was one) for the better government of that country. Mr. Hastings, as I must mention to your Lordships, soon after the deposition and restoration of Jaffier Ally Cawn, and before Lord Clive arrived, quitted for a while the scene, in which he had been so mischievously employed, and returned to England to strengthen himself by those cabals, which again sent him out with new authority to pursue the courses, which were the natural sequel to his former proceedings. He returned to India with great power indeed; first, to a seat in Council at Fort St. George, and from thence to succeed to the presidency of Fort William. On him the Company placed their chief reliance. Happy had it been for them, happy for India, and for England, if his conduct had been such as to spare your Lordships and the Commons the exhibition of this day.

When this government, with Mr. Hastings at the

the head of it, was settled, Moorshedabad did still continue the seat of the native government, and of all the collections. Here the Company was not satisfied with placing a Resident at the Durbar, which was the first step to our assuming the government in that country. These steps must be traced by your Lordships, for I should never have given you this trouble, if it was not necessary to possess you clearly of the several progressive steps, by which the Company's government came to be established and to supersede the Native. The next step was the appointment of supervisors in every province, to oversee the native collector. The third was to establish a general Council of Revenue at Moorshedabad, to superintend the Great Steward Mahomed Reza Cawn. In 1772 that Council by Mr. Hastings was overturned, and the whole management of the revenue brought to Calcutta. Mahomed Reza Cawn, by orders of the Company, was turned out of all his offices, and turned out for reasons and principles, which your Lordships will hereafter see; and at last the Dewannee was entirely taken out of the native hands, and settled in the supreme Council and Presidency itself in Calcutta; and so it remained until the year 1781, when Mr. Hastings made another revolution, took it out of the hands of the Supreme Council, in which the orders of the Com-

pany, an Act of Parliament, and their own act had vested it, and put it into a subordinate Council—that is, it was entirely vested in himself.

Now your Lordships see the whole of the revolutions. I have stated them, I trust, with perspicuity—stated the grounds and principles, upon which they were made—stated the abuses, that grew upon them—and that every revolution produced its abuse. You saw the Native government vanish by degrees, until it was reduced to a situation fit for nothing but to become a private perquisite, as it has been to Mr. Hastings, and to be granted to whom he pleased. The English government succeeded, at the head of which Mr. Hastings was placed by an Act of Parliament, having before held the office of President of the Council—the express object of both these appointments being to redress grievances; and within these two periods of his power, as President and Governour General, were those crimes committed, of which he now stands accused. All this history is merely by way of illustration—his crimination begins from his nomination to the Presidency; and we are to consider how he comported himself in that station, and in his office of Governour General.

The first thing, in considering the merits or demerits of any governour, is to have some test,

by

by which they are to be tried. And here, my Lords, we conceive, that when a British governour is sent abroad, he is sent to pursue the good of the people as much as possible in the spirit of the laws of this country, which in all respects intend their conservation, their happiness, and their prosperity. This is the principle, upon which Mr. Hastings was bound to govern, and upon which he is to account for his conduct here.

His rule was, what a British Governour, intrusted with the power of this country, was bound to do, or to forbear. If he has performed, and if he has abstained, as he ought, dismiss him honourably acquitted from your bar—otherwise condemn him. He may resort to other principles and to other maxims; but this country will force him to be tried by its laws. The law of this country recognises that well-known crime, called misconduct in office; it is a head of the law of England, and, so far as inferiour courts are competent to try it, may be tried in them. Here, your Lordships' competence is plenary; you are fully competent both to inquire into, and to punish the offence. And, first, I am to state to your Lordships, by the direction of those, whom I am bound to obey, the principles, on which Mr. Hastings declares he has conducted his government; principles, which he has avowed

avowed—first, in several letters written to the East India Company—next, in a paper of defence, delivered to the House of Commons, explicitly; and more explicitly in his defence before your Lordships. Nothing in Mr. Hastings's proceedings is so curious as his several defences; and nothing in the defences is so singular, as the principles, upon which he proceeds. Your Lordships will have to decide not only upon a large, connected, systematick train of misdemeanors, but an equally connected system of principles and maxims of government, invented to justify those misdemeanors. He has brought them forward and avowed them in the face of day. He has boldly and insultingly thrown them in the face of the representatives of a free people, and we cannot pass them by without adopting them.

I am directed to protest against those grounds and principles, upon which he frames his defence; for, if those grounds are good and valid, they carry off a great deal at least, if not entirely the foundation of our charge. My Lords, we contend, that Mr. Hastings, as a British governour, ought to govern on British principles, not by British forms—God forbid; for, if ever there was a case, in which the letter kills and the spirit gives life, it would be an attempt to introduce British forms and the substance of despo-

tick

tick principles together into any country. No. We call for that spirit of equity, that spirit of justice, that spirit of protection, that spirit of lenity, which ought to characterize every British subject in power; and on these, and these principles only, he will be tried.

But he has told your Lordships, in his defence, that actions in Asia do not bear the same moral qualities, which the same actions would bear in Europe.

My Lords, we positively deny that principle. I am authorized and called upon to deny it. And having stated at large what he means by saying, that the same actions have not the same qualities in Asia and in Europe, we are to let your Lordships know, that these gentlemen have formed a plan of *geographical morality*, by which the duties of men, in publick and in private situations, are not to be governed by their relation to the great Governour of the Universe, or by their relation to mankind, but by climates, degrees of longitude, parallels not of life but of latitudes; as if, when you have crossed the equinoctial, all the virtues die, as they say some insects die when they cross the line; as if there were a kind of baptism, like that practised by seamen, by which they unbaptize themselves of all, that they learned in Europe, and after which a new order and system of things commenced.

This

This geographical morality we do protest against. Mr. Hastings shall not screen himself under it; and on this point I hope and trust many words will not be necessary to satisfy your Lordships. But we think it necessary, in justification of ourselves, to declare, that the laws of morality are the same every where; and that there is no action, which would pass for an act of extortion, of peculation, of bribery, and of oppression in England, that is not an act of extortion, of peculation, of bribery, and oppression in Europe, Asia, Africa, and all the world over. This I contend for, not in the technical forms of it, but I contend for it in the substance.

Mr. Hastings comes before your Lordships not as a British governour answering to a British tribunal, but as a Soubahdar, as a Bashaw of three tails. He says, "I had an arbitrary "power to exercise: I exercised it. Slaves "I found the people; slaves they are, they "are so by their constitution; and if they "are, I did not make it for them. I was un-"fortunately bound to exercise this arbitrary "power, and accordingly I did exercise it. "It was disagreeable to me, but I did exercise "it, and no other power can be exercised in "that country." This, if it be true, is a plea in bar. But I trust and hope your Lordships will not judge by laws and institutions, which

you

you do not know, against those laws and institutions, which you do know, and under whose power and authority Mr. Hastings went out to India. Can your Lordships patiently hear what *we* have heard with indignation enough, and what, if there were nothing else, would call these principles as well as the actions, which are justified on such principles, to your Lordships' bar; that it may be known whether the Peers of England do not sympathize with the Commons in their detestation of such doctrine? Think of an English governour tried before you as a British subject, and yet declaring, that he governed on the principles of arbitrary power. His plea is, that he did govern there on arbitrary and despotick, and, as he supposes, oriental principles. And as this plea is boldly avowed and maintained, and as, no doubt, all his conduct was perfectly correspondent to these principles, the principles and the conduct must be tried together.

If your Lordships will now permit me, I will state one of the many places, in which he has avowed these principles as the basis and foundation of all his conduct. "The sovereignty, "which they assumed, it fell to my lot, very "unexpectedly, to exert; and whether or not "such power, or powers of that nature, were "delegated to me by any provisions of any Act "of

"of Parliament I confess myself too little of "a lawyer to pronounce. I only know, that the "acceptance of the sovereignty of Benares, &c. "is not acknowledged or admitted by any Act "of Parliament; and yet, by the particular in- "terference of the majority of the Council, the "Company is clearly and indisputably seized of "that sovereignty." So that this gentleman, because he is not a lawyer, nor clothed with those robes, which distinguish and well distinguish the learning of this country, is not to know any thing of his duty; and whether he was bound by any, or what Act of Parliament, is a thing he is not lawyer enough to know. Now, if your Lordships will suffer the laws to be broken by those, who are not of the long robe, I am afraid those of the long robe will have none to punish but those of their own profession. He therefore goes to a law he is better acquainted with; that is, the law of arbitrary power and force, if it deserves to be called by the name of law. "If, therefore," says he, "the *sovereignty* "of Benares, as ceded to us by the vizier, have "*any rights whatever* annexed to it, (and be not "a mere empty word without meaning), those "rights must be such as are held, countenanced, "and established by the law, custom, and usage "of the Mogul Empire, and not by the pro- "visions of any British Act of Parliament

"hitherto

" hitherto enacted. *Those rights*, and none
" other, I have been the involuntary instrument
" of enforcing. And if any future Act of Parlia-
" ment shall positively, or by implication, tend
" to annihilate those very rights, or their exer-
" tion, as I have exerted them, I much fear,
" that the boasted sovereignty of Benares, which
" was held up as an acquisition almost obtruded
" on the Company against my consent and
" opinion, (for I acknowledge, that even then
" I foresaw many difficulties and inconveniences
" in its future exercise;) I fear, I say, that this
" sovereignty will be found a burden instead of
" a benefit, a heavy clog rather than a precious
" gem to its present possessours; I mean, unless
" the whole of our territory in that quarter shall
" be rounded and made an uniform compact
" body by one grand and systematick arrange-
" ment; such an arrangement as shall do away
" all the mischiefs, doubts, and inconveniences,
" (both to the governours and the governed)
" arising from the variety of tenures, rights, and
" claims in all cases of landed property and
" feudal jurisdiction in India, from the infor-
" mality, invalidity, and instability of all en-
" gagements in so divided and unsettled a state
" of society; and from the unavoidable anarchy
" and confusion of different laws, religions, and
" prejudices, moral, civil, and political, all
" jumbled

" jumbled together in one unnatural and dis-
" cordant mass. Every part of Hindostan has
" been constantly exposed to these and similar
" disadvantages ever since the Mahommedan
" conquests."

" The Hindûs, who never incorporated with
" their conquerors, were kept in order only by
" the strong hand of power. The constant ne-
" cessity of similar exertions would increase at
" once their energy and extent, so that rebellion
" itself is the parent and promoter of despotism.
" Sovereignty in India implies nothing else.
" For I know not how we can form an estimate
" of its powers, but from its visible effects, and
" those are every where the same from Cabool
" to Assam. The whole history of Asia is
" nothing more than precedents to prove the
" invariable exercise of arbitrary power. To
" all this I strongly alluded in the minutes I
" delivered in Council, when the treaty with
" the new Vizier was on foot in 1775; and I
" wished to make Cheyt Sing independent, be-
" cause in India dependence included a thou-
" sand evils, many of which I enumerated at
" that time, and they are entered in the ninth
" clause of the first section of this Charge. I
" knew the powers, with which an Indian sove-
" reignty is armed, and the dangers, to which
" tributaries are exposed. I knew, that, from

" the

"the history of Asia, and from the very nature "of mankind, the subjects of a despotick em- "pire are always vigilant for the moment to "rebel, and the sovereign is ever jealous of "rebellious intentions. A zemindar is an In- "dian subject, and, as such, exposed to the "common lot of his fellows. *The mean and "depraved state of a mere zemindar* is therefore "this very dependence above-mentioned on "a despotick government, this very proneness "to shake off his allegiance, and this very ex- "posure to continual danger from his sovereign's "jealousy, which are consequent on the poli- "tical state of Hindostanick governments. "Bulwant Sing, if he had been, and Cheyt "Sing, as long as he was, a zemindar, stood "exactly in this *mean and depraved state* by "the constitution of his country. I did not "make it for him, but would have secured "him from it. Those, who made him a ze- "mindar, entailed upon him the consequences "of so mean and depraved a tenure. Ally "Verdy Khaun and Cossim Ally fined all "their zemindars on the necessities of war, and "on every pretence either of court necessity or "court extravagance."

My Lords, you have now heard the principles, on which Mr. Hastings governs the part of Asia subjected to the British Empire. You have

heard his opinion of the mean and depraved state of those, who are subject to it. You have heard his lecture upon arbitrary power, which he states to be the constitution of Asia. You hear the application he makes of it; and you hear the practices, which he employs to justify it, and who the persons were, on whose authority he relies, and whose example he professes to follow. In the first place, your Lordships will be astonished at the audacity, with which he speaks of his own administration, as if he was reading a speculative lecture on the evils attendant upon some vitious system of foreign government, in which he had no sort of concern whatsoever. And then, when in this speculative way he has established, or thinks he has, the vices of the government, he conceives he has found a sufficient apology for his own crimes. And if he violates the most solemn engagements, if he oppresses, extorts, and robs, if he imprisons, confiscates, banishes, at his sole will and pleasure, when we accuse him for his ill treatment of the people committed to him as a sacred trust, his defence is,—to be robbed, violated, oppressed is their privilege—let the constitution of their country answer for it.—I did not make it for them. Slaves I found them, and as slaves I have treated them. I was a despotick prince, despotick governments are jealous, and the subjects

subjects prone to rebellion. This very proneness of the subject to shake off his allegiance exposes him to continual danger from his sovereign's jealousy; and this is consequent on the political state of Hindostanick governments. He lays it down as a rule, that despotism is the genuine constitution of India, that a disposition to rebellion in the subject, or dependant, prince is the necessary effect of this despotism, and that jealousy and its consequences naturally arise on the part of the sovereign—that the government is every thing, and the subject nothing—that the great landed men are in a mean and depraved state, and subject to many evils.

Such a state of things, if true, would warrant conclusions directly opposite to those, which Mr. Hastings means to draw from them, both argumentatively, and practically, first to influence his conduct, and then to bottom his defence of it.

Perhaps you will imagine, that the man, who avows these principles of arbitrary government, and pleads them as the justification of acts, which nothing else can justify, is of opinion, that they are on the whole good for the people, over whom they are exercised. The very reverse. He mentions them as horrible things, tending to inflict on the people a thousand evils, and to bring on the ruler a continual train of dangers.

Yet he states, that your acquisitions in India will be a detriment instead of an advantage, if you destroy arbitrary power, unless you can reduce all the religious establishments, all the civil institutions, and tenures of land, into one uniform mass; i. e. unless by acts of arbitrary power you extinguish all the laws, rights, and religious principles of the people, and force them to an uniformity; and on that uniformity build a system of arbitrary power.

But nothing is more false, than that despotism is the constitution of any country in Asia, that we are acquainted with. It is certainly not true of any Mahommedan constitution. But if it were, do your Lordships really think, that the nation would bear, that any human creature would bear, to hear an English governour defend himself on such principles? or, if he can defend himself on such principles, is it possible to deny the conclusion, that no man in India has a security for any thing, but by being totally independent of the British government? Here he has declared his opinion, that he is a despotick prince, that he is to use arbitrary power, and of course all his acts are covered with that shield. "*I know*, says he, *the constitution of Asia only from its practice.*" Will your Lordships submit to hear the corrupt practices of mankind made the principles of government?—No; it will be your

your pride and glory to teach men intrusted with power, that, in their use of it, they are to conform to principles, and not to draw their principles from the corrupt practice of any man whatever. Was there ever heard, or could it be conceived, that a governour would dare to heap up all the evil practices, all the cruelties, oppressions, extortions, corruptions, briberies, of all the ferocious usurpers, desperate robbers, thieves, cheats, and jugglers, that ever had office from one end of Asia to another, and consolidating all this mass of the crimes and absurdities of barbarous domination into one code, establish it as the whole duty of an English governour? *I* believe, that till this time so audacious a thing was never attempted by man.—

He have arbitrary power! My Lords, the East India Company have not arbitrary power to give him; the King has no arbitrary power to give him; your Lordships have not; nor the Commons; nor the whole Legislature. We have no arbitrary power to give, because arbitrary power is a thing, which neither any man can hold nor any man can give. No man can lawfully govern himself according to his own will, much less can one person be governed by the will of another. We are all born in subjection, all born equally, high and low, governours and governed, in subjection to one great, immutable, pre-existent law,

prior to all our devices, and prior to all our contrivances, paramount to all our ideas, and all our sensations, antecedent to our very existence, by which we are knit and connected in the eternal frame of the Universe, out of which we cannot stir.

This great law does not arise from our conventions or compacts; on the contrary, it gives to our conventions and compacts all the force and sanction they can have;—it does not arise from our vain institutions. Every good gift is of God; all power is of God;—and He, who has given the power, and from whom alone it originates, will never suffer the exercise of it to be practised upon any less solid foundation than the power itself. If then all dominion of man over man is the effect of the divine disposition, it is bound by the eternal laws of Him, that gave it, with which no human authority can dispense; neither he, that exercises it, nor even those, who are subject to it: and, if they were mad enough to make an express compact, that should release their magistrate from his duty, and should declare their lives, liberties, and properties dependant upon, not rules and laws, but his mere capricious will, that covenant would be void. The acceptor of it has not his authority increased, but he has his crime doubled. Therefore can it be imagined, if this be true, that He will suffer this

this great gift of government, the greatest, the best, that was ever given by God to mankind, to be the plaything and the sport of the feeble will of a man, who, by a blasphemous, absurd, and petulant usurpation, would place his own feeble, contemptible, ridiculous will in the place of the divine wisdom and justice?

The title of conquest makes no difference at all. No conquest can give such a right; for conquest, that is force, cannot convert its own injustice into a just title, by which it may rule others at its pleasure. By conquest, which is a more immediate designation of the hand of God, the conqueror succeeds to all the painful duties and subordination to the power of God, which belonged to the sovereign, whom he has displaced, just as if he had come in by the positive law of some descent, or some election. To this at least he is strictly bound—he ought to govern them, as he governs his own subjects. But every wise conqueror has gone much further than he was bound to go. It has been his ambition, and his policy to reconcile the vanquished to his fortune, to show, that they had gained by the change, to convert their momentary suffering into a long benefit, and to draw from the humiliation of his enemies an accession to his own glory. This has been so constant a practice, that it is to repeat the histories of all

politick conquerors in all nations and in all times; and I will not so much distrust your Lordships' enlightened and discriminating studies and correct memories, as to allude to one of them. I will only show you, that the Court of Directors, under whom he served, has adopted that idea, that they constantly inculcated it to him, and to all the servants, that they run a parallel between their own and the native government, and supposing it to be very evil did not hold it up as an example to be followed, but as an abuse to be corrected; that they never made it a question, whether India is to be improved by English law and liberty, or English law and liberty vitiated by Indian corruption.

No, my Lords, this arbitrary power is not to be had by conquest. Nor can any sovereign have it by succession, for no man can succeed to fraud, rapine, and violence; neither by compact, covenant, or submission,—for men cannot covenant themselves out of their rights and their duties; nor by any other means can arbitrary power be conveyed to any man. Those, who give to others such rights, perform acts, that are void as they are given, good indeed and valid only as tending to subject themselves and those, who act with them, to the Divine displeasure; because morally there can be no such power. Those, who give, and those, who re-

ceive,

ceive, arbitrary power are alike criminal; and there is no man but is bound to resist it to the best of his power, wherever it shall show its face to the world. It is a crime to bear it, when it can be rationally shaken off. Nothing but absolute impotence can justify men in not resisting it to the utmost of their ability.

Law and arbitrary power are in eternal enmity. Name me a magistrate, and I will name property; name me power, and I will name protection. It is a contradiction in terms; it is blasphemy in religion; it is wickedness in politicks, to say, that any man can have arbitrary power. In every patent of office the duty is included. For what else does a magistrate exist? To suppose for power is an absurdity in idea. Judges are guided and governed by the eternal laws of justice, to which we are all subject. We may bite our chains if we will, but we shall be made to know ourselves, and be taught, that man is born to be governed by law; and he, that will substitute *will* in the place of it, is an enemy to GOD.

Despotism does not in the smallest degree abrogate, alter, or lessen any one duty of any one relation of life, or weaken the force or obligation of any one engagement or contract whatsoever. Despotism, if it means any thing, that is at all defensible, means a mode of government,

ment, bound by no written rules, and coerced by no controlling magistracies, or well settled orders in the state. But if it has no written law, it neither does, nor can, cancel the primeval, indefesible, unalterable law of nature, and of nations; and if no magistracies control its exertions, those exertions must derive their limitation and direction either from the equity and moderation of the ruler, or from downright revolt on the part of the subject by rebellion, divested of all its criminal qualities. The moment a sovereign removes the idea of security and protection from his subjects, and declares, that he is every thing, and they nothing, when he declares, that no contract he makes with them can or ought to bind him, he then declares war upon them. He is no longer sovereign; they are no longer subjects.

No man, therefore, has a right to arbitrary power. But the thought, which is suggested by the depravity of him, who brings it forward, is supported by a gross confusion of ideas and principles, which your Lordships well know, how to discern and separate. It is manifest, that in the Eastern governments, and the Western, and in all governments, the supreme power in the state cannot, whilst that state subsists, be rendered criminally responsible for its actions; otherwise it would not be the supreme power.

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It is certainly true; but the actions do not change their nature by losing their responsibility. The arbitrary acts, which are unpunished, are not the less vitious, though none but God, the conscience, and the opinions of mankind take cognizance of them.

It is not merely so in this or that government, but in all countries. The King in this country is undoubtedly unaccountable for his actions. The House of Lords, if it should ever exercise (God forbid I should suspect it would ever do what it has never done,) but if it should ever abuse its judicial power, and give such a judgment as it ought not to give, whether from fear of popular clamour on the one hand, or predilection to the prisoner on the other; if they abuse their judgments, there is no calling them to an account for it. And so, if the Commons should abuse their power,—nay, if they should have been so greatly delinquent as not to have prosecuted this offender, they could not be accountable for it; there is no punishing them for their acts, because we exercise a part of the supreme power. But are they less criminal, less rebellious against the Divine Majesty? are they less hateful to man, whose opinions they ought to cultivate as far as they are just? No. Till society fall into a state of dissolution, they cannot be accountable for their acts. But it is from confounding the un-

accountable

accountable character, inherent in the supreme power, with arbitrary power, that all this confusion of ideas has arisen.

Even upon a supposition, that arbitrary power can exist any where, which we deny totally, and which your Lordships will be the first and proudest to deny, still absolute, supreme dominion was never conferred or delegated by you; much less, arbitrary power, which never did in any case, nor ever will in any case, time or country, produce any one of the ends of just government.

It is true, that the supreme power in every constitution of government must be absolute; and this may be corrupted into the arbitrary. But all good constitutions have established certain fixed rules for the exercise of their functions, which they rarely or ever depart from, and which rules form the security against that worst of evils, the government of will and force instead of wisdom and justice.

But though the supreme power is in a situation resembling arbitrary, yet never was there heard of in the history of the world, that is, in that mixed chaos of human wisdom and folly, such a thing as an *intermediate* arbitrary power—that is, of an officer of government, who is to exert authority over the people without any law at all, and who is to have the benefit of all laws, and all forms

of

of law, when he is called to an account. For that is to let a wild beast (for such is a man without law) loose upon the people to prey on them at his pleasure; whilst all the laws, which ought to secure the people against the abuse of power, are employed to screen that abuse against the cries of the people.

This is *de facto* the state of our Indian government. But to establish it so in right as well as in fact, is a thing left for us to begin with,—the first of mankind.

For a subordinate, arbitrary, or even despotick power never was heard of in right, claim, or authorized practice. Least of all has it been heard of in the Eastern governments, where all the instances of severity and cruelty fall upon governours, and persons intrusted with power. This would be a gross contradiction. Before Mr. Hastings none ever came before his superiours to claim it; because, if any such thing could exist, he claims the very power of that sovereign, who calls him to account.

But suppose a man to come before us, denying all the benefits of law to the people under him,—and yet, when he is called to account, to claim all the benefits of that law, which was made to screen mankind from the excesses of power: such a claim, I will venture to say, is a monster, that never existed except in the wild imagination of

of some theorist. It cannot be admitted, because it is a perversion of the fundamental principle, that every power, given for the protection of the people below, should be responsible to the power above. It is to suppose, that the people shall have no laws with regard to *him*, yet when *he* comes to be tried, he shall claim the protection of those laws, which were made to secure the people from his violence; that he shall claim a fair trial, an equitable hearing, every advantage of counsel, (God forbid he should not have them) yet that the people under him shall have none of those advantages. The reverse is the principle of every just and rational procedure. For the people, who have nothing to use but their natural faculties, ought to be gently dealt with; but those, who are intrusted with an artificial and instituted authority, have in their hands a great deal of the force of other people; and as their temptations to injustice are greater, so their means are infinitely more effectual for mischief by turning the powers given for the preservation of society to its destruction; so that if an arbitrary procedure be justifiable, a strong one I am sure is, it is when used against those, who pretend to use it against others.

My Lords, I will venture to say of the governments of Asia, that none of them ever had an arbitrary power; and, if any governments had

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an arbitrary power, they cannot delegate it to any persons under them; that is, they cannot so delegate it to others as not to leave them accountable on the principles, upon which it was given. As this is a contradiction in terms, a gross absurdity as well as a monstrous wickedness, let me say, for the honour of human nature, that although undoubtedly we may speak it with the pride of England, that we have better institutions for the preservation of the rights of men, than any other country in the world; yet I will venture to say, that no country has wholly meant, or ever meant, to give this power.

As it cannot exist in right on any rational and solid principles of government, so neither does it exist in the constitution of oriental governments, and I do insist upon it, that oriental governments know nothing of arbitrary power. I have taken as much pains as I could to examine into the constitutions of them. I have been endeavouring to inform myself at all times on this subject; of late, my duty has led me to a more minute inspection of them, and I do challenge the whole race of man to show me any of the oriental governours claiming to themselves a right to act by arbitrary will.

The greatest part of Asia is under Mahommedan governments. To name a Mahommedan government, is to name a government by law.

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It is a law enforced by stronger sanctions than any law, that can bind a Christian sovereign. Their law is believed to be given by God, and it has the double sanction of law and of religion, with which the prince is no more authorized to dispense than any one else. And, if any man will produce the Koran to me, and will but show me one text in it, that authorizes in any degree an arbitrary power in the government, I will confess, that I have read that book, and been conversant in the affairs of Asia, in vain. There is not such a syllable in it; but, on the contrary, against oppressors by name every letter of that law is fulminated. There are interpreters established throughout all Asia, to explain that law, an order of priesthood, whom they call *men of the law*. These men are conservators of the law; and, to enable them to preserve it in its perfection, they are secured from the resentment of the sovereign, for he cannot touch them. Even their kings are not always vested with a real supreme power; but the government is in some degree republican.

To bring this point a little nearer home, since we are challenged thus, since we are led into Asia, since we are called upon to make good our charge on the principles of the governments there, rather than on those of our own country, (which I trust your Lordships will oblige him finally

finally to be governed by, puffed up as he is with the insolence of Asia) the nearest to us of the governments he appeals to is that of the Grand Seignior, the Emperour of the Turks—*He* an arbitrary power! Why he has not the supreme power of his own country. Every one knows, that the Grand Seignior is exalted high in *titles*, as our prerogative lawyers exalt an abstract sovereign, and he cannot be exalted higher in our books. I say he is destitute of the first character of sovereign power. He cannot lay a tax upon his people.

The next part, in which he misses of a sovereign power, is, that he cannot dispose of the life, of the property, or of the liberty of any of his subjects, but by what is called the *Fetfa*, or sentence of the law. He cannot declare peace or war without the same sentence of the law; so much is *he*, more than European sovereigns, a subject of strict law, that he cannot declare war or peace without it. Then, if he can neither touch life nor property, if he cannot lay a tax on his subjects, or declare peace or war, I leave it to your Lordships' judgment, whether he can be called, according to the principles of that constitution, an arbitrary power. A Turkish sovereign, if he should be judged by the body of that law to have acted against its principles, (unless he happens to be secured by a faction

of the soldiery) is liable to be deposed on the sentence of that law, and his successour comes in under the strict limitations of the ancient law of that country: neither can he hold his place, dispose of his succession, or take any one step whatever, without being bound by law. Thus much may be said, when gentlemen talk of the affairs of Asia, as to the nearest of Asiatick sovereigns; and he is more Asiatick than European, he is a Mahommedan sovereign; and no Mahommedan is born, who can exercise any arbitrary power at all, consistently with their constitution: insomuch that this chief magistrate, who is the highest executive power among them, is the very person, who, by the constitution of the country, is the most fettered by law.

Corruption is the true cause of the loss of all the benefits of the constitution of that country. The *practice of Asia*, as the gentleman at your bar has thought fit to say, is what he holds to; the constitution he flies away from. The question is, whether you will take the constitution of the country as your rule, or the base practices of those usurpers, robbers, and tyrants, who have subverted it. Undoubtedly much blood, murder, false imprisonment, much peculation, cruelty and robbery are to be found in Asia; and if, instead of going to the sacred laws of

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the country, he chooses to resort to the iniquitous practices of it, and practices authorized only by public tumult, contention, war, and riot, he may indeed find as clear an acquittal in the practices, as he would find condemnation in the institutions of it. He has rejected the law of England. Your Lordships will not suffer it. God forbid! For my part I should have no sort of objection to let him choose his law—Mahommedan, Tartarean, Gentu. But if he disputes, as he does, the authority of an Act of Parliament, let him state to me that law, to which he means to be subject, or any law, which he knows, that will justify his actions. I am not authorized to say, that I shall, even in that case, give up what is not in me to give up, because I represent an authority, of which I must stand in awe; but, for myself, I shall confess, that I am brought to publick shame, and am not fit to manage the great interests committed to my charge. I therefore again repeat of that Asiatick government, with which we are best acquainted, which has been constituted more in obedience to the laws of Mahomed, than any other,—that the sovereign cannot, agreeably to that constitution, exercise any arbitrary power whatever.

The next point for us to consider is, whether or no the Mahommedan constitution of India authorizes that power. The gentleman at your

Lordship's bar has thought proper to say, that it will be happy for India (though soon after he tells you it is an happiness they can never enjoy) "when the despotick institutes of Genghiz "Khân or Tamerlane shall give place to the "liberal spirit of a British legislature; and," says he, "I shall be amply satisfied in my pre- "sent prosecution, if it shall tend to hasten the "approach of an event so beneficial to the great "interests of mankind."

My Lords, you have seen what he says about an Act of Parliament. Do you not now think it rather an extraordinary thing, that any British subject should, in vindication of the authority which he has exercised, here quote the names and institutes, as he calls them, of fierce conquerors, of men, who were the scourges of mankind, whose power was a power, which they held by force only?

As to the Institutes of Genghiz Khân, which he calls arbitrary institutes, I never saw them. If he has that book, he will oblige the publick by producing it. I have seen a book existing, called Yassa of Genghiz Khân; the other I never saw. If there be any part of it to justify arbitrary power, he will produce it. But, if we may judge by those ten precepts of Genghiz Khân, which we have, there is not a shadow of arbitrary power to be found in any one of them.

Institutes

Institutes of arbitrary power! Why, if there is arbitrary power, there can be no institutes."

As to the Institutes of Tamerlane; here they are in their original, and here is a translation. I have carefully read every part of these institutes; and if any one shows me one word in them, in which the Prince claims in himself arbitrary power, I again repeat, that I shall for my own part confess, that I have brought myself to great shame. There is no book in the world, I believe, which contains nobler, more just, more manly, more pious principles of government than this book, called the Institutions of Tamerlane. Nor is there one word of arbitrary power in it, much less of that arbitrary power, which Mr. Hastings supposes himself justified by; namely a delegated, subordinate, arbitrary power. So far was that great Prince from permitting this gross, violent, intermediate, arbitrary power, that I will venture to say, the chief thing, by which he has recommended himself to posterity, was a most direct declaration of all the wrath and indignation of the Supreme Government against it. But here is the book. It contains the Institutes of the founder of the Mogul Empire, left as a sacred legacy to his posterity, as a rule for their conduct, and as a means of preserving their power.

"BE it known to my fortunate sons, the conquerors of kingdoms, to my mighty descendants, the lords of the earth, that, since I have hope in Almighty God, that many of my children, descendants and posterity, shall sit upon the throne of power and regal authority; upon this account, having established laws and regulations for the well governing of my dominions, I have collected together those regulations and laws as a model for others; to the end, that every one of my children, descendants and posterity, acting agreeably thereto, my power and empire, which I acquired through hardships, and difficulties, and perils, and bloodshed, by the divine favour and by the influence of the holy religion of Mahomed, (God's peace be upon him) and with the assistance of the powerful descendants and illustrious followers of that prophet, may be by them preserved.

"And let them make these regulations the rule of their conduct in the affairs of their empire, that the fortune and the power, which shall descend from me to them, may be safe from discord and dissolution.

"Now therefore be it known to my sons, the fortunate and the illustrious, to my descendants, the mighty subduers of kingdoms, that,

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" in like manner as I by twelve maxims, which
" I established as the rule of my conduct, at-
" tained to regal dignity, and with the assistance
" of these maxims conquered and governed
" kingdoms, and decorated and adorned the
" throne of my empire, let them also act accord-
" ing to these regulations, and preserve the
" splendour of mine and their dominions.

" And among the rules, which I established
" for the support of my glory and empire, the
" *First* was this—That I promoted the worship
" of Almighty God, and propagated the religion
" of the sacred Mahomed throughout the world;
" and at all times, and in all places, supported
" the true faith.

" *Secondly*: With the people of the twelve
" classes and tribes I conquered and governed
" kingdoms; and with them I strengthened the
" pillars of my fortune, and from them I formed
" my assembly.

" *Thirdly*: By consultation, and deliberation,
" and provident measures, by caution, and by
" vigilance, I vanquished armies, and I reduced
" kingdoms to my authority. And I carried on
" the business of my empire by complying with
" times and occasions, and by generosity, and by
" patience, and by policy; and I acted with
" courteousness towards my friends and towards
" my enemies.

" *Fourthly*: By order and by discipline I re-
" gulated the concerns of my government; and
" by discipline and by order I so firmly esta-
" blished my authority, that the Ameers and the
" Viziers, and the soldiers, and the subjects,
" could not aspire beyond their respective de-
" grees; and every one of them was the keeper
" of his own station.

" *Fifthly*: I gave encouragement to my
" Ameers, and to my soldiers, and with money
" and with jewels I made them glad of heart;
" and I permitted them to come into the ban-
" quet; and in the field of blood they hazarded
" their lives. And I withheld not from them
" my gold nor my silver. And I educated and
" trained them to arms; and to alleviate their
" sufferings I myself shared in their labours, and
" in their hardships, until with the arm of forti-
" tude and resolution, and with the unanimity
" of my chiefs, and my generals, and my war-
" riours, by the edge of the sword I obtained
" possession of the thrones of seven and twenty
" kings; and became the king and the ruler of the
" kingdoms of Eraceh and of Tooraun; and of
" Room, and of Mughrib, and of Shaum; and of
" Missur, and of Erank-a-Arrub, and of Ajjum;
" and of Mauzinduraun, and of Kylaunaut;
" and of Shurvaunaut, and of Azzurbaejaun;
" and of Fauris, and of Khorausaun; and of the

" Dusht

" Dusht of Jitteh, and the Dusht of Kipchauk;
" and of Khauruzm, and of Khuttun, and of
" Kauboolistaun; and of Hindostaun, and of
" Baukhtur Zemeen.

" And when I clothed myself in the robe of
" empire, I shut my eyes to safety, and to the
" repose, which is found on the bed of ease.
" And from the twelfth year of my age I tra-
" velled over countries, and combated difficul-
" ties, and formed enterprises, and vanquished
" armies; and experienced mutinies amongst
" my officers and my soldiers, and was famili-
" arized to the language of disobedience; and
" I opposed them with policy and with forti-
" tude, and I hazarded my person in the hour
" of danger; until in the end I vanquished
" kingdoms and empires, and established the
" glory of my name.

" *Sixthly*: By justice and equity I gained the
" affections of the people of God; and I ex-
" tended my clemency to the guilty as well as
" to the innocent; and I passed that sentence,
" which truth required: and by benevolence
" I gained a place in the hearts of men; and by
" rewards and punishments I kept both my
" troops and my subjects divided between hope
" and fear. And I compassionated the lower
" ranks of my people, and those who were dis-
" tressed. And I gave gifts to the soldiers.

" And

" And I delivered the oppressed from the " hand of the oppressor; and, after proof of " the oppression, whether on the property or " the person, the decision, which I passed be- " tween them, was agreeable to the sacred law. " And I did not cause any one person to suffer " for the guilt of another.

" Those, who had done me injuries, who had " attacked my person in battle, and had coun- " teracted my schemes and enterprises, when " they threw themselves on my mercy, I re- " ceived them with kindness; I conferred on " them additional honours, and I drew the pen " of oblivion over their evil actions. And I " treated them in such sort, that if suspicion " remained in their hearts, it was plucked out " entirely.

" *Seventhly:* I selected out, and treated with " esteem and veneration the posterity of the " prophet, and the theologians, and the teachers " of the true faith, and the philosophers, and " the historians. And I loved men of courage " and valour; for God Almighty loveth the " brave. And I associated with good and " learned men; and I gained their affections, " and I entreated their support, and I sought " success from their holy prayers. And I loved " the dervishes and the poor; and I oppressed " them not; neither did I exclude them from

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" my favour. And I permitted not the evil
" and the malevolent to enter into my Council;
" and I acted not by their advice: and I listen-
" ed not to their insinuations to the prejudice
" of others.

" *Eighthly*: I acted with resolution; and on
" whatever undertaking I resolved, I made that
" undertaking the only object of my attention:
" and I withdrew not my hand from that enter-
" prise, until I had brought it to a conclusion.
" And I acted according to that, which I said.
" And I dealt not with severity towards any
" one, and I was not oppressive in any of my
" actions; that God Almighty might not deal
" severely towards me, nor render my own
" actions oppressive unto me.

" And, I inquired of learned men into the
" laws and regulations of ancient princes from
" the days of Adam to those of the Prophet,
" and from the days of the Prophet down to
" this time. And I weighed their institutions,
" and their actions, and their opinions, one by
" one. And from their approved manners, and
" their good qualities, I selected models. And
" I inquired into the causes of the subversion
" of their power, and I shunned those actions,
" which tend to the destruction and overthrow
" of regal authority. And from cruelty and
" from oppression, which are the destroyers of

" posterity,

"posterity, and the bringers of famine and of
"plagues, I found it was good to abstain.
"*Ninthly*: The situation of my people was
"known unto me. And those, who were great
"among them, I considered as my brethren;
"and I regarded the poor as my children. And
"I made myself acquainted with the tempers
"and the dispositions of the people of every
"country, and of every city. And I contract-
"ed intimacies with the citizens, and the chiefs,
"and the nobles; and I appointed over them
"governours adapted to their manners, and
"their dispositions, and their wishes. And
"I knew the circumstances of the inhabitants
"of every province. And in every kingdom I
"appointed writers of intelligence, men of
"truth and integrity, that they might send me
"information of the conduct, and the behavi-
"our, and the actions, and the manners, of the
"troops and of the inhabitants, and of every
"occurrence, that might come to pass amongst
"them. And, if I discovered aught contrary to
"their information, I inflicted punishment on
"the intelligencer; and every circumstance of
"cruelty and oppression in the governours, and
"in the troops, and in the inhabitants, which
"reached my ears, I chastised agreeably to
"justice and equity.
"*Tenthly*: Whatever tribe, and whatever
"horde,

" horde, whether Toork or Taucheek, or Arrub,
" or Ajjum, came in unto me, I received their
" chiefs with distinction and respect, and their
" followers I honoured according to their de-
" grees and their stations, and to the good
" among them I did good, and the evil I de-
" livered over to their evil actions.

" And whoever attached himself unto me, I
" forgot not the merit of his attachment, and
" I acted towards him with kindness and ge-
" nerosity; and whoever had rendered me ser-
" vices, I repaid the value of those services unto
" him. And whoever had been my enemy, and
" was ashamed thereof, and flying to me for pro-
" tection, humbled himself before me, I forgot
" his enmity, and I purchased him with liberality
" and kindness.

" In such manner Share Behraum, the chief
" of a tribe, was along with me. And he left
" me in the hour of action; and he united with
" the enemy, and he drew forth his sword
" against me. And at length, my salt, which
" he had eaten, seized upon him; and he again
" fled to me for refuge, and humbled himself
" before me. As he was a man of illustrious
" descent, and of bravery, and of experience,
" I covered my eyes from his evil actions; and
" I magnified him, and I exalted him to a su-
" periour rank, and I pardoned his disloyalty
" in consideration of his valour.

" *Eleventhly*:

"*Eleventhly:* My children, and my relations, "and my associates, and my neighbours, and "such as had been connected with me, all these "I distinguished in the days of my fortune and "prosperity, and I paid unto them their due. "And with respect to my family, I rent not "asunder the bands of consanguinity and "mercy; and I issued not commands to slay "them, or to bind them with chains.

"And I dealt with every man, whatever the "judgment I had formed of him, according to "my own opinion of his worth. As I had seen "much of prosperity and adversity, and had "acquired knowledge and experience, I con-"ducted myself with caution, and with policy, "towards my friends and towards my enemies.

"*Twelfthly:* Soldiers, whether associates or "adversaries, I held in esteem; those, who "sell their permanent happiness to perishable "honour, and throw themselves into the field of "slaughter, and battle, and hazard their lives "in the hour of danger.

"And the man, who drew his sword on the "side of my enemy, and committed hostilities "against me, and preserved his fidelity to his "master, him I greatly honoured: and when "such a man came unto me, knowing his "worth, I classed him with my faithful asso-"ciates; and I respected and valued his fidelity "and his attachment.

"And

"And the soldier, who forgot his duty and his "honour, and in the hour of action turned his face "from his master, and came in unto me, I con- "sidered as the most detestable of men.

"And in the war between Touktummish "Khaun, his Ameers forgot their duty to Touk- "tummish, who was their master and my foe, "and sent proposals and wrote letters unto "me. And I uttered execrations upon them, "because unmindful of that, which they owed "to their lord, they had thrown aside their "honour and their duty, and came in unto "me. I said unto myself, What fidelity have "they observed to their liege lord? what fidelity "will they show unto me?

"And, behold, it was known unto me by "experience, that every empire, which is not "established in morality and religion, nor "strengthened by regulations and laws, from "that empire all order, grandeur, and power "shall pass away. And that empire may be "likened unto a naked man, who, when ex- "posed to view, commandeth the eye of mo- "desty to be covered; and it is like unto "a house, which hath neither roof nor gates, "nor defences; into which, whoever willeth, "may enter unmolested.

"THEREFORE, I established the foundation of "my empire on the morality and the religion of "Islaum; and by regulations and laws, I gave

"it

" it stability. And by laws and by regulations " I executed every business and every tran- " saction, that came before me in the course of " my government."—

I need not read any further, or I might show your Lordships the noble principles, the grand, bold, and manly maxims, the resolution to abstain from oppression himself, and to crush it in the governours under him, to be found in this book, which Mr. Hastings has thought proper to resort to as containing, what he calls, arbitrary principles.

But it is not in this instance only, that I must do justice to the East. I assert, that their morality is equal to ours, in whatever regards the duties of governours, fathers, and superiours; and I challenge the world to show, in any modern European book, more true morality and wisdom than is to be found in the writings of Asiatick men in high trust, and who have been counsellors to princes. If this be the true morality of Asia, as I affirm, and can prove, that it is, the plea founded on Mr. Hastings's geographical morality is annihilated.

I little regard the theories of travellers, where they do not relate the facts, on which they are founded. I have two instances of facts, attested by Tavernier, a traveller of power and consequence, which are very material to be mentioned here, because they show, that, in some of the instances recorded, in which the princes of

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the country have used any of those cruel and barbarous executions, which make us execrate them, it has been upon governours, who have abused their trust, and that this very oriental authority, to which Mr. Hastings appeals, would have condemned him to a dreadful punishment. I thank God, and I say it from my heart, that even for his enormous offences there neither is, nor can be, any thing like such punishments. God forbid, that we should not as much detest out of the way, mad, furious, and unequal punishments, as we detest enormous and abominable crimes; because a severe and cruel penalty for a crime of a light nature is as bad and iniquitous as the crime, which it pretends to punish. As the instances I allude to are curious, and as they go to the principles of Mr. Hastings's defence, I shall beg to quote them.

The first is upon a governour, who did, what Mr. Hastings says he has a power delegated to him to do; he levied a tax without the consent of his master. "Some years after my departure "from Com, (says *Tavernier*,) the governour "had, of his own accord, and without any com- "munication with the king, laid a small impost "upon every pannier of fruit brought into the "city, for the purpose of making some necessary "reparations in the walls and bridges of the town. "It was towards the end of the year 1632, that "the event, I am going to relate, happened.

"The king being informed of the impost, which "the governour had laid upon the fruit, ordered "him to be brought in chains to court. The "king ordered him to be exposed to the people "at one of the gates of the palace: then he "commanded the son to pluck off the musta- "chios of his father, to cut off his nose and "ears, to put out his eyes, and then cut off his "head. The king then told the son to go and "take possession of the government of his father, "saying, *See, that you govern better than this "deceased dog, or thy doom shall be a death "more exquisitely tormenting.*"

My Lords, you are struck with horrour, I am struck with horrour, at this punishment. I do not relate it to approve of such a barbarous act; but to prove to your Lordships, that whatever power the princes of that country have, they are jealous of it to such a degree, that, if any of their governours should levy a tax, even the most insignificant, and for the best purposes, he meets with a cruel punishment. I do not justify the punishment; but the severity of it shows, how little of their power the princes of that country mean to delegate to their servants, the whole of which the gentleman at your bar says was delegated to him.

There is another case, a very strong one, and that is the case of presents, which I understand is a custom admitted throughout Asia in

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all their governments. It was of a person, who was raised to a high office; no business was suffered to come before him without a previous present. "One morning, the king being at this "time on a hunting party, the Nazar came to "the tent of the king, but was denied entrance "by the *Meter*, or master of the wardrobe. "About the same time the king came forth, and, "seeing the Nazar, commanded his officers to "take off the bonnet from the head of that dog, "that took gifts from his people; and that he "should sit three days bareheaded in the heat "of the sun, and as many nights in the air. "Afterwards he caused him to be chained about "the neck and arms, and condemned him to "perpetual imprisonment, with a mamoudy a "day for his maintenance; but he died for grief "within eight days after he was put in prison."

Do I mean, by reading this to your Lordships, to express or intimate an approbation, either of the cruelty of the punishment, or of the coarse barbarism of the language? neither one nor the other. I produce it to your Lordships to prove to you from this dreadful example the horrour, which that government felt, when any person subject to it assumed to himself a privilege to receive presents. The cruelty and severity exercised by these princes is not levelled at the poor, unfortunate people, who complain at their gates,

but, to use their own barbarous expression, *to dogs, that impose taxes and take presents.*—God forbid, I should use that language. The people, when they complain, are not called dogs and sent away, but the governours, who do these things against the people; they are called dogs, and treated in that cruel manner. I quote them to show, that no governours in the East, upon any principle of their constitution, or any good practice of their government, can lay arbitrary imposts, or receive presents. When they escape, it is probably by bribery, by corruption, by creating factions for themselves in the seraglio, in the country, in the army, in the divan. But how they escape such punishments, is not my business to inquire; it is enough for me, that the constitution disavows them, that the princes of the country disavow them; that they revile them with the most horrible expressions, and inflict dreadful punishments on them, when they are called to answer for these offences.

Thus much concerning the Mahommedan laws of Asia. That the people of Asia have no laws, rights, or liberty, is a doctrine, that wickedly is to be disseminated through this country. But I again assert, every Mahommedan government is, by its principles, a government of law.

I shall now state from what is known of the government

government of India, that it does not, and cannot delegate (as Mr. Hastings has frequently declared) the whole of its powers and authority to him. If they are absolute, as they must be in the supreme power, they ought to be arbitrary in none; they were, however, never absolute in any of their subordinate parts, and I will prove it by the known provincial constitutions of Hindostan, which are all Mahommedan, the laws of which are as clear, as explicit, and as learned as ours.

The first foundation of their law is the Khoran. The next part is the *Fetfa*, or adjudged cases by proper authority, well known there. The next, the written interpretations of the principles of jurisprudence; and their books are as numerous upon the principles of jurisprudence, as in any country in Europe. The next part of their law is what they call the *Kanon*, that is, a positive rule equivalent to Acts of Parliament, the law of the several powers of the country, taken from the Greek word KANΩN, which was brought into their country, and is well known. The next is the *Rage ul Mulk*, or common law and custom of the kingdom, equivalent to our common law. Therefore they have laws from more sources than we have, exactly in the same order, grounded upon the same authority, fundamentally fixed to be

administered to the people upon these principles.

The next thing is to show, that in India there is a partition of the powers of the government, which proves, that there is no absolute power delegated.

In every province the first person is the Subahdar or Nazim, or Viceroy; he has the power of the sword, and the administration of criminal justice only. Then there is the Dewan, or High Steward; he has the revenue and all exchequer causes under him, to be governed according to the law, and custom, and institutions of the kingdom.

The law of inheritances, successions, and every thing, that relates to them, is under the Câdi, in whose court these matters are tried. But this too was subdivided. The Câdi could not judge, but by the advice of his assessors. Properly in the Mahommedan law there is no appeal, only a removal of the cause; but when there is no judgment, as none can be, when the court is not unanimous, it goes to the general assembly of all the men of the law.

There are, I will venture to say, other divisions and subdivisions; for there are the Kanongoes, who hold their places for life, to be the conservators of the canons, customs, and good usages of the country; all these, as well as the Câdi

Cadi and the Mufti, hold their places and situations, not during the wanton pleasure of the prince, but, on permanent and fixed terms, for life. All these powers of magistracy, revenue, and law, are all different, consequently not delegated in the whole to any one person. This is the provincial constitution, and these the laws, of Bengal, which proves, if there were no other proof, by the division of the functions and authorities, that the supreme power of the state in the Mogul Empire did, by no means, delegate to any of its officers the supreme power in its fulness. Whether or no we have delegated to Mr. Hastings the supreme power of King and Parliament, that he should act with the plenitude of authority of the British legislature, you are to judge.

Mr. Hastings has no refuge here. Let him run from law to law; let him fly from the common law, and the sacred institutions of the country, in which he was born; let him fly from Acts of Parliament, from which his power originated; let him plead his ignorance of them, or fly in the face of them. Will he fly to the Mahommedan law?—that condemns him. Will he fly to the high Magistracy of Asia to defend taking of presents? Pad Shâ and the Sultan would condemn him to a cruel death. Will he fly to the Sophis, to the laws of Persia, or to the

practice of those monarchs? I cannot utter the pains, the tortures, that would be inflicted on him, if he were to govern there, as he has done in a British province! Let him fly where he will, from law to law;—law (I thank God) meets him every where, and enforced too by the practice of the most impious tyrants, which he quotes as if it would justify his conduct. I would as willingly have him tried by the law of the Khorân, or the institutes of Tamerlane, as on the common law, or statute law, of this kingdom.

The next question is, whether the Gentû laws justify arbitrary power; and, if he finds any sanctuary there, let him take it, with the cow, in the pagoda. The Gentûs have a law, which positively proscribes in magistrates any idea of will;—a law, with which, or rather with extracts of it, that gentleman himself has furnished us. These people in many points are governed by their own ancient written law, called the *Shaster*. Its intepreters and judges are the *Pundits*. This law is comprehensive, extending to all the concerns of life, affording principles and maxims, and legal theories, applicable to all cases, drawn from the sources of natural equity, modified by their institutions, full of refinement and subtilty of distinction, equal to that of any other law, and has the grand test of all law, that, wherever it has prevailed, the country

country has been populous, flourishing and happy.

Upon the whole, then, follow him where you will,—let him have eastern or western law, you find every where arbitrary power and peculation of governours proscribed and horribly punished:—more so than I should ever wish to punish any, the most guilty, human creature. And if this be the case, as I hope and trust it has been proved to your Lordships, that there is law in these countries, that there is no delegation of power, which exempts a governour from the law; then I say at any rate a British governour is to answer for his conduct, and cannot be justified by wicked examples and profligate practices.

But another thing, which he says, is, that he was left to himself to govern himself by his own practice; that is to say, when he had taken one bribe, he might take another;—when he had robbed one man of his property, he might rob another; when he had imprisoned one man arbitrarily, and extorted money from him, he might do so by another. He resorts at first to the practice of barbarians and usurpers, at last he comes to his own. Now, if your Lordships will try him by such maxims and principles, he is certainly clear; for there is no manner of doubt, that there is nothing he has practised once, which

which he has not practised again; and then the repetition of crimes becomes the means of his indemnity.

The next pleas he urges are not so much in bar of the impeachment, as in extenuation. The first are to be laid by as claims to be made on motion for arrest of judgment, the others as an extenuation or mitigation of his fine. He says, and with a kind of triumph, the ministry of this country have great legal assistance; commercial lights of the greatest commercial city in the world; the greatest generals and officers to guide and direct them in military affairs: whereas I, poor man, was sent almost a school-boy from England, or at least little better;—sent to find my way in that new world as well as I could. I had no men of the law, no legal assistance, to supply my deficiencies. At *Sphingem habebas domi.* Had he not the Chief Justice, the tamed and domesticated Chief Justice, who waited on him like a familiar spirit, whom he takes from province to province, his amanuensis at home, his postillion, and riding express abroad?

Such a declaration would in some measure suit persons, who had acted much otherwise, than Mr. Hastings. When a man pleads ignorance in justification of his conduct, it ought to be an humble, modest, unpresuming ignorance;—an

ignorance,

ignorance, which may have made him lax and timid in the exercise of his duty;—but an assuming, rash, presumptuous, confident, daring, desperate, and disobedient ignorance heightens every crime, that it accompanies. Mr. Hastings, if through ignorance he left some of the Company's orders unexecuted, because he did not understand them, might well say, *I was an ignorant man, and these things were above my capacity.* But when he understands them, and when he declares he will not obey them positively and dogmatically;—when he says, as he has said, and we shall prove it, *that he never succeeds better than when he acts in an utter defiance of those orders*, and sets at nought the laws of his country; I believe this will not be thought the language of an ignorant man. But I beg your Lordships' pardon; it is the language of an ignorant man; for no man, who was not full of a bold, determined, profligate ignorance could ever think of such a system of defence. He quitted Westminster School almost a boy. We have reason to regret, that he did not finish his education in that noble seminary, which has given so many luminaries to the church, and ornaments to the state. Greatly it is to be lamented, that he did not go to those Universities, [where arbitrary power will I hope never be heard of; but the true principles of religion, of liberty, and law, will ever

ever be inculcated,] instead of studying in the school of Cossim Ally Cawn.

If he had lived with us, he would have quoted the examples of Cicero in his government; he would have quoted several of the sacred and holy prophets, and made *them* his example. His want of learning, profane as well as sacred, reduces him to the necessity of appealing to every name and authority of barbarism, tyranny, and usurpation, that are to be found; and from these he says, *from the practice of one part of Asia, or other, I have taken my rule.* But your Lordships will show him, that in Asia, as well as in Europe, the same law of nations prevails; the same principles are continually resorted to; and the same maxims sacredly held and strenuously maintained; and, however disobeyed, no man suffers from the breach of them, who does not know how and where to complain of that breach;—that Asia is enlightened in that respect as well as Europe; but, if it were totally blinded, that England would send out governours to teach them better; and that he must justify himself to the piety, the truth, the faith of England; and not by having recourse to the crimes and criminals of other countries, to the barbarous tyranny of Asia, or any other part of the world.

I will go further with Mr. Hastings, and admit,

mit; that, if there be a boy in the fourth form of Westminster school, or any school in England, who does not know, when these articles are read to him, that he has been guilty of gross and enormous crimes, he may have the shelter of his present plea, as far as it will serve him. There are none of us, thank God, so uninstructed, who have learned our catechisms or the first elements of Christianity, who does not know, that such conduct is not to be justified, and least of all by examples.

There is another topick he takes up more seriously, and as a general rebutter to the charge; —says he, "After a great many of these practices, with which I am charged, Parliament "appointed me to my trust, and consequently "has acquitted me." Has it, my Lords? I am bold to say, that the Commons are wholly guiltless of this charge. I will admit, if Parliament on a full state of his offences before them, and full examination of those offences, had appointed him to the government, that then the people of India and England would have just reason to exclaim against so flagitious a proceeding. A sense of propriety and decorum might have restrained us from prosecuting. They might have been restrained by some sort of decorum from pursuing him criminally. But the Commons stand before your Lordships without shame. First, in their name we solemnly assure your

your Lordships, that we had not in our parliamentary capacity, (and most of us—myself, I can say surely, heard very little, and that in confused rumours,) the slightest knowledge of any one of the acts charged upon this criminal at either of the times of his being appointed to office; and that we were not guilty of the nefarious act of collusion and flagitious breach of trust, with which he presumes obliquely to charge us; but from the moment we knew them, we never ceased to condemn them by reports, by votes, by resolutions; and that we admonished, and declared it to be the duty of the Court of Directors to take measures for his recall; and when frustrated in the way known to that Court we then proceeded to an inquiry. Your Lordships know, whether you were better informed. We are, therefore, neither guilty of the precedent crime of colluding with the criminal, nor the subsequent indecorum of prosecuting what we had virtually and practically approved.

Secondly; several of his worst crimes have been committed since the last parliamentary renewal of his trust, as appears by the dates in the charge.

But I believe, my Lords, the judges—judges to others, grave and weighty councellors, and assistants to your Lordships, will not on reference assert to your Lordships, which God forbid,

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and we cannot conceive, or hardly state in argument, if but for argument, that if one of the judges had received bribes before his appointment to an higher judiciary office, he would not still be open to prosecution.

So far from admitting it as a plea in bar, we charge, and we hope your Lordships will find it an extreme aggravation of his offences, that no favours heaped upon him could make him grateful, no renewed and repeated trusts could make him faithful and honest.

We have now gone through most of the general topicks.

But,—he is not responsible, as being thanked by the Court of Directors. He has had the thanks and approbation of the India Company for his services. We know too well here, I trust the world knows,—and you will always assert, that a pardon from the crown is not pleadable here, that it cannot bar the impeachment of the Commons; much less a pardon of the East India Company, though it may involve them in guilt, which might induce us to punish them for such a pardon. If any corporation by collusion with criminals refuse to do their duty in coercing them, the magistrates are answerable.

It is the use, virtue, and efficacy of parliamentary judicial procedure, that it puts an end to this dominion of faction, intrigue, cabal, and clandestine

clandestine intelligences. The acts of men are put to their proper test, and the works of darkness tried in the face of day—not the corrupted opinions of others on them, but their own intrinsick merits. We charge it as his crime, that he bribed the Court of Directors to thank him for what they had condemned as breaches of his duty.

The East India Company, it is true, have thanked him. They ought not to have done it; and it is a reflection upon their character, that they did it. But the Directors praise him in the gross, after having condemned each act in detail. His actions are *all*, every one, censured one by one, as they arise. I do not recollect any one transaction, few there are, I am sure, in the whole body of that succession of crimes now brought before you for your judgment, in which the India Company have not censured him. Nay, in one instance he pleads their censure in bar of this trial;* for he says "In that censure I have already received my punishment." If, for any other reasons, they come and say, "We thank you Sir, for all your services:" To that I answer, yes; and *I* would thank him for his services too, if I knew them. But *I* do not;—perhaps *they* do. Let them thank him for those services.

* See Mr. Hastings's answer to the first charge.

services. I am ordered to prosecute him for these crimes. Here therefore we are on a balance with the India Company; and your Lordships may perhaps think it some addition to his crimes, that he has found means to obtain the thanks of the India Company for the whole of his conduct, at the same time that their records are full of constant, uniform, particular censure and reprobation of every one of those acts, for which he now stands accused.

He says, there is the testimony of Indian Princes in his favour. But do we not know how seals are obtained in that country? do we not know, how those princes are imposed upon? do we not know the subjection and thraldom, in which they are held, and that they are obliged to return thanks for the sufferings, which they have felt? I believe your Lordships will think, that there is not, with regard to some of these princes, a more dreadful thing, that can be said of them, than that he has obtained their thanks.

I understand he has obtained the thanks of the miserable princesses of Oude, whom he has cruelly imprisoned, whose treasure he has seized, and whose eunuchs he has tortured. *

They thank him for going away. They thank him

* A Latin sentence, which was quoted here, is omitted in the MS. of the short-hand writer. *Ed.*

him for leaving them the smallest trifle of their subsistence; and I venture to say, if he wanted a hundred more panegyricks, provided he never came again among them, he might have them. I understand, that Mahdajee Scindia has made his panegyrick too. Mahdajee Scindia has not made his panegyrick for nothing; for, if your Lordships will suffer him to enter into such a justification, we shall prove, that he has sacrificed the dignity of this country, and the interests of all its allies, to that prince. We appear here neither with panegyrick, nor with satire; it is for substantial crimes we bring him before you, and amongst others for cruelly using persons of the highest rank and consideration in India; and, when we prove he has cruelly injured them, you will think the panegyricks either gross forgeries, or most miserable aggravations of his offences, since they show the abject and dreadful state, into which he has driven those people. For, let it be proved, that I have cruelly robbed and maltreated any persons, if I produce a certificate from them of my good behaviour, would it not be a corroborative proof of the terrour, into which those persons are thrown by my misconduct?

My Lords, these are, I believe, the general grounds of our charge—I have now closed completely, and I hope, to your Lordships' satisfaction,

tion, the whole body of history, of which I wished to put your Lordships in possession. I do not mean, that many of your Lordships may not have known it more perfectly by your own previous inquiries; but bringing to your remembrance the state of the circumstances of the persons, with whom he acted, the persons and power he has abused,—I have gone to the principles he maintains, the precedents he quotes, the laws and authorities, which he refuses to abide by, and those, on which he relies; and at last I have refuted all those pleas in bar, on which he depends, and for the effect of which he presumes on the indulgence and patience of this country, or on the corruption of some persons in it. And here I close what I had to say upon this subject; wishing and hoping, that, when I open before your Lordships the case more particularly, so as to state rather a plan of the proceeding, than the direct proof of the crimes, your Lordships will hear me with the same goodness and indulgence I have hitherto experienced; that you will consider, if I have detained you long, it was not with a view of exhausting my own strength, or putting your patience to too severe a trial; but from the sense I feel, that it is the most difficult and the most complicated cause, that was ever brought before any human tribunal. Therefore I was resolved

to bring the whole substantially before you. And now, if your Lordships will permit me, I will state the method of my future proceeding and the future proceeding of the gentlemen assisting me.

I mean first to bring before you the crimes as they are classed, and are of the same species and genus; and how they mutually arose from one another. I shall first show, that Mr. Hastings's crimes had root in that, which is the root of all evil, I mean avarice; that avarice and rapacity were the groundwork and foundation of all his other vitious system; that he showed it in setting to sale the native government of the country; in setting to sale the whole landed interest of the country; in setting to sale the British government and his own fellow servants to the basest and wickedest of mankind. I shall then show your Lordships, that when, in consequence of such a body of corruption and peculation, he justly dreaded the indignation of his country, and the vengeance of its laws, in order to raise himself a faction embodied by the same guilt and rewarded in the same manner, he has, with a most abandoned profusion, thrown away the revenues of the country to form such a faction here.

I shall next show your Lordships, that, having exhausted the resources of the Company, and brought

brought it to extreme difficulties within, he has looked to his *external* resources, as he calls them. He has gone up into the country. I will show, that he has plundered, or attempted to plunder, every person dependent upon, connected, or allied with this country.

We shall afterwards show what infinite mischief has followed in the case of Benares, upon which he first laid his hands; next, in the case of the Begums of Oude.

We shall then lay before you the profligate system, by which he endeavoured to oppress that country, first by residents, next by spies under the name of British Agents; and lastly, that, pursuing his way up to the mountains, he has found out one miserable chief, whose crimes were the prosperity of his country; that him he endeavoured to torture and destroy, I do not mean in his body, but by exhausting the treasures, which he kept for the benefit of his people.

In short, having shown your Lordships, that no man, who is in his power, is safe from his arbitrary will; that no man, within or without, friend, ally, rival, has been safe from him; having brought it to this point—if I am not able in my own person immediately to go up into the country, and show the ramifications of the system (I hope and trust I shall be spared to take my

part in pursuing him through both, if I am not) I shall go at least to the root of it; and some other gentleman, with a thousand times more ability than I possess, will take up each separate part in its proper order. And I believe it is proposed by the managers, that one of them shall, as soon as possible, begin with the affair of Benares.

The point I now mean first to bring before your Lordships is the corruption of Mr. Hastings, his system of peculation and bribery; and to show your Lordships the horrible consequences, which resulted from it: for, at first sight, bribery and peculation do not seem to be so horrid a matter; they may seem to be only the transferring a little money out of one pocket into another; but I shall show, that by such a system of bribery the country is undone.

I shall inform your Lordships in the best manner I can, and afterwards submit the whole, as I do with a cheerful heart and with an easy and assured security, to that justice, which is the security for all the other justice in the kingdom.

TRIAL

OF

WARREN HASTINGS, ESQ.

FIFTH DAY, 17th FEBRUARY 1788.

(MR. BURKE.)

MY LORDS,

THE Gentlemen, who are appointed by the Commons to manage this prosecution, have directed me to inform your Lordships, that they have very carefully and attentively weighed the magnitude of the subject, which they bring before you, with the time, which the nature and circumstances of affairs allow for their conducting it.

My Lords, on that comparison they are very apprehensive, that, if I should go very largely into a preliminary explanation of the several matters in charge, it might be to the prejudice of an early trial of the substantial merits of each article. We have weighed and considered this maturely. We have compared exactly the time with the matter, and we have found, that we are obliged to do, as all men must do, who would manage their affairs practicably, to make our

opinion of what might be most advantageous to the business conform to the time, that is left to perform it in. We must, as all men must, submit affairs to time, and not think of making time conform to our wishes: and therefore, my Lords, I very willingly fall in with the inclinations of the gentlemen, with whom I have the honour to act, to come as soon as possible to close fighting, and to grapple immediately and directly with the corruptions of India; to bring before your Lordships the direct articles; to apply the evidence to the articles, and to bring the matter forward for your Lordships' decision in that manner, which the confidence we have in the justice of our cause demands from the Commons of Great Britain.

My Lords, these are the opinions of those, with whom I have the honour to act, and in their opinions I readily acquiesce. For I am far from wishing to waste any of your Lordships' time upon any matter merely through any opinion I have of the nature of the business, when at the same time I find, that in the opinion of others it might militate against the production of its full, proper, and (if I may so say) its immediate effect.

It was my design to class the crimes of the late Governour of Bengal—to show their mutual bearings—how they were mutually aided and

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grew and were formed out of each other. I proposed first of all to show your Lordships, that they have their root in that, which is the origin of all evil, avarice and rapacity—to show how that led to prodigality of the publick money—and how prodigality of the publick money by wasting the treasures of the East India Company furnished an excuse to the Governour General to break its faith, to violate all its most solemn engagements, and to fall with a hand of stern, ferocious, and unrelenting rapacity upon all the allies and dependancies of the Company. But I shall be obliged in some measure to abridge this plan; and as your Lordships already possess, from what I had the honour to state on saturday, a general view of this matter, you will be in a condition to pursue it when the several articles are presented.

My Lords, I have to state to-day the root of all these misdemeanors—namely, the pecuniary corruption and avarice, which gave rise and primary motion to all the rest of the delinquencies, charged to be committed by the Governour General.

My Lords, pecuniary corruption forms not only, as your Lordships will observe in the charges before you, an article of charge by itself, but likewise so intermixes with the whole, that it is necessary to give, in the best manner

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I am able, a history of that corrupt system, which brought on all the subsequent acts of corruption. I will venture to say, there is no one act, in which tyranny, malice, cruelty, and oppression can be charged, that does not at the same time carry evident marks of pecuniary corruption.

I stated to your Lordships on saturday last the principles, upon which Mr. Hastings governed his conduct in India, and upon which he grounds his defence. These may all be reduced to one short word, *arbitrary power*. My Lords, if Mr. Hastings had contended, as other men have often done, that the system of government, which he patronises, and on which he acted, was a system tending on the whole to the blessing and benefit of mankind, possibly something might be said for him for setting up so wild, absurd, irrational, and wicked a system. Something might be said to qualify the act from the intention; but it is singular in this man, that, at the time he tells you he acted on the principles of arbitrary power, he takes care to inform you, that he was not blind to the consequences. Mr. Hastings foresaw, that the consequences of this system was corruption. An arbitrary system indeed must always be a corrupt one. My Lords, there never was a man, who thought he had no law but his own will, who did not soon find,

find, that he had no end but his own profit. Corruption and arbitrary power are of natural unequivocal generation, necessarily producing one another. Mr. Hastings foresees the abusive and corrupt consequences, and then he justifies his conduct upon the necessities of that system. These are things, which are new in the world; for there never was a man, I believe, who contended for arbitrary power (and there have been persons wicked and foolish enough to contend for it) that did not pretend, either that the system was good in itself, or that by their conduct they had mitigated or had purified it; and that the poison by passing through their constitution had acquired salutary properties. But if you look at his defence before the House of Commons, you will see, that that very system, upon which he governed, and under which he now justifies his actions, did appear to himself a system pregnant with a thousand evils and a thousand mischiefs.

The next thing, that is remarkable and singular in the principles, upon which the Governour General acted, is, that when he is engaged in a vitious system, which clearly leads to evil consequences, he thinks himself bound to realize all the evil consequences involved in that system. All other men have taken a directly contrary course; they have said, I have been

engaged

engaged in an evil system, that led indeed to mischievous consequences, but I have taken care by my own virtues to prevent the evils of the system, under which I acted.

We say then, not only that he governed arbitrarily, but corruptly, that is to say, that he was a giver and receiver of bribes, and formed a system for the purpose of giving and receiving them. We wish your Lordships distinctly to consider, that he did not only give and receive bribes accidentally, as it happened without any system and design, merely as the opportunity or momentary temptation of profit urged him to it, but that he has formed plans and systems of government for the very purpose of accumulating bribes and presents to himself. This system of Mr. Hastings's government is such a one, I believe, as the British nation in particular will disown; for I will venture to say, that, if there is any one thing, which distinguishes this nation eminently above another, it is, that in its offices at home, both judicial and in the state, there is less suspicion of pecuniary corruption attaching to them, than to any similar offices in any part of the globe, or that have existed at any time; so that he, who would set up a system of corruption, and attempt to justify it upon the principle of utility, that man is staining not only the nature and character of office, but that, which is the

peculiar

peculiar glory of the official and judicial character of this country; and therefore in this House, which is eminently the guardian of the purity of all the offices of this kingdom, he ought to be called eminently and peculiarly to account. There are many things undoubtedly in crimes, which make them frightful and odious; but bribery, filthy hands, a chief governour of a great empire receiving bribes from poor miserable indigent people, this is what makes government itself base, contemptible and odious in the eyes of mankind.

My Lords, it is certain, that even tyranny itself may find some specious colour, and appear as more severe and rigid execution of justice. Religious persecution may shield itself under the guise of a mistaken and over-zealous piety. Conquest may cover its baldness with its own laurels, and the ambition of the conqueror may be hid in the secrets of his own heart under a veil of benevolence, and make him imagine he is bringing temporary desolation upon a country, only to promote its ultimate advantage and his own glory. But in the principles of that governour, who makes nothing but money his object, there can be nothing of this. There are here none of those specious delusions, that look like virtues, to veil either the governed or the governour. If you look at Mr. Hastings's merits,

merits, as he calls them, what are they? did he improve the internal state of the government by great reforms? No such thing: or by a wise and incorrupt administration of justice? No.—Has he enlarged the boundary of our government? No; there are but too strong proofs of his lessening it. But his pretensions to merit are, that he squeezed more money out of the inhabitants of the country than other persons could have done, money got by oppression, violence, extortion from the poor, or the heavy hand of power upon the rich and great.

These are his merits. What we charge as his demerits are all of the same nature; for though there is undoubtedly oppression, breach of faith, cruelty, perfidy, charged upon him, yet the great ruling principle of the whole, and that, from which you can never have an act free, is money—it is the vice of base avarice, which never is, nor ever appears even to the prejudices of mankind to be, any thing like a virtue. Our desire of acquiring sovereignty in India undoubtedly originated first in ideas of safety and necessity; its next step was a step of ambition. That ambition, as generally happens in conquest, was followed by gains of money; but afterwards there was no mixture at all; it was, during Mr. Hastings's time, altogether a business of money. If he has extirpated a nation,

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I will not say whether properly or improperly, it is because (says he) you have all the benefit of conquest without expense, you have got a large sum of money from the people, and you may leave them to be governed by whom, and as they will. This is directly contrary to the principles of conquerors. If he has at any time taken any money from the dependencies of the Company, he does not pretend, that it was obtained from their zeal and affection to our cause, or that it made their submission more complete; very far from it. He says, they ought to be independent, and all, that you have to do, is to squeeze money from them. In short, money is the beginning, the middle, and the end of every kind of act done by Mr. Hastings—pretendedly for the Company, but really for himself.

Having said so much about the origin, the first principle both of that, which he makes his merit, and which we charge as his demerit; the next step is, that I should lay open to your Lordships, as clearly as I can, what the sense of his employers, the East India Company, and what the sense of the Legislature itself has been upon those merits and demerits of money.

My Lords, the Company knowing, that these money transactions were likely to subvert that empire, which was first established upon them, did

did in the year 1765, send out a body of the strongest and most solemn covenants to their servants, that they should take no presents from the country powers under any name or description, except those things, which were publickly and openly taken for the use of the Company, namely *territories*, or *sums of money*, which might be obtained by treaty. They distinguished such presents, as were taken from any persons privately and unknown to them, and without their authority, from subsidies; and that this is the true nature and construction of their order, I shall contend, and explain afterwards to your Lordships. They have said, nothing shall be taken for their private use; for though in that and in every state there may be subsidiary treaties, by which sums of money may be received, yet they forbid their servants, their governours, whatever application they might pretend to make of them, to receive, under any other name or pretence, more than a certain marked simple sum of money, and this not without the consent and permission of the presidency, to which they belong. This is the substance, the principle, and the spirit of the covenants, and will show your Lordships how radicated an evil this of bribery and presents was judged to be.

When these covenants arrived in India, the servants

servants refused at first to execute them; and suspended the execution of them, till they had enriched themselves with presents. Eleven months elapsed, and it was not till Lord Clive reached the place of his destination, that the covenants were executed; and they were not executed then without some degree of force. Soon afterwards the treaty was made with the country powers, by which Sujah ul Dowlah was re-established in the province of Oude, and paid a sum of 500,000*l.* to the Company for it. It was a publick payment, and there was not a suspicion, that a single shilling of private emolument attended it. But whether Mr. Hastings had the example of others or not, their example could not justify his briberies. He was sent there to put an end to all those examples. The Company did expressly vest him with that power. They declared at that time, that the whole of their service was totally corrupted by bribes and presents, and by extravagance and luxury, which partly gave rise to them; and these in their turn enabled them to pursue those excesses. They not only reposed trust in the integrity of Mr. Hastings, but reposed trust in his remarkable frugality and order in his affairs, which they considered as things, that distinguished his character. But in his defence we have him quite in another character, no longer

the frugal attentive servant bred to business, bred to book-keeping, as all the Company's servants are; he now knows nothing of his own affairs, knows not whether he is rich or poor, knows not what he has in the world. Nay, people are brought forward to say, that they know better than he does what his affairs are. He is not like a careful man bred in a counting-house, and by the Directors put into an office of the highest trust on account of the regularity of his affairs; he is like one buried in the contemplation of the stars, and knows nothing of the things in this world. It was then on account of an idea of his great integrity, that the Company put him into this situation. Since that he has thought proper to justify himself, not by clearing himself of receiving bribes, but by saying, that no bad consequences resulted from it, and that, if any such evil consequences did arise from it, they arose rather from his inattention to money than from his desire of acquiring it.

I have stated to your Lordships the nature of the covenants, which the East India Company sent out. Afterwards, when they found their servants had refused to execute these covenants, they not only very severely reprehended even a moment's delay in their execution, and threatened the exacting the most strict and rigorous performance of them, but they sent a commission

a commission to enforce the observance of them more strongly; and that commission had it specially in charge never to receive presents. They never sent out a person to India without recognising the grievance, and without ordering, that presents should not be received, as the main fundamental part of their duty, and upon which all the rest depended, as it certainly must: for persons at the head of Government should not encourage that by example, which they ought by precept, authority and force, to restrain in all below them. That commission failing, another commission was preparing to be sent out with the same instructions, when an Act of Parliament took it up: and that Act, which gave Mr. Hastings power, did mould in the very first stamina of his power this principle in words the most clear and forcible, that an Act of Parliament could possibly devise upon the subject. And that Act was made not only upon a general knowledge of the grievance, but your Lordships will see in the Reports of that time, that Parliament had directly in view before them the whole of that monstrous head of corruption under the name of presents, and all the monstrous consequences, that followed it.

Now, my Lords, every office of trust, in its very nature, forbids the receipt of bribes. But Mr. Hastings was forbidden it, first, by his official situation; next by covenant; and lastly

by Act of Parliament—that is to say, by all the things, that bind mankind, or that can bind them,—first, moral obligation inherent in the duty of their office; next, the positive injunctions of the legislature of the country; and lastly, a man's own private, particular, voluntary act and covenant. These three, the great and only obligations, that bind mankind, all united in the focus of this single point—that they should take no presents.

I am to mark to your Lordships, that this law and this covenant did consider indirect ways of taking presents—taking them by others, and such like,—directly in the very same light as they considered taking them by themselves. It is perhaps a much more dangerous way, because it adds to the crime a false prevaricating mode of concealing it, and makes it much more mischievous by admitting others into the participation of it. Mr. Hastings has said, and it is one of the general complaints of Mr. Hastings, that he is made answerable for the acts of other men. It is a thing inherent in the nature of his situation. All those, who enjoy a great superintending trust, which is to regulate the whole affairs of an empire, are responsible for the acts and conduct of other men, so far as they had any thing to do with appointing them, or holding them in their places, or having any sort of inspection into their conduct.

But

But when a governour presumes to remove from their situations those persons, whom the publick authority and sanction of the Company have appointed, and obtrudes upon them by violence other persons, superseding the orders of his masters, he becomes doubly responsible for their conduct. If the persons he names should be of notorious evil character and evil principles, and if this should be perfectly known to himself, and of publick notoriety to the rest of the world, then another strong responsibility attaches on him for the acts of those persons.

Governours, we know very well, cannot with their own hands be continually receiving bribes; for then they must have as many hands, as one of the idols in an Indian temple, in order to receive all the bribes, which a governour general may receive; but they have them vicariously. As there are many offices, so he has had various officers, for receiving and distributing his bribes; he has a great many, some white and some black, agents. The white men are loose and licentious; they are apt to have resentments, and to be bold in revenging them. The black men are very secret and mysterious; they are not apt to have very quick resentments, they have not the same liberty and boldness of language, which characterize Europeans; and they have fears too for themselves, which makes it more likely, that

they will conceal any thing committed to them by Europeans. Therefore Mr. Hastings had his black agents, not one, two, three, but many, disseminated through the country; no two of them hardly appear to be in the secret of any one bribe. He has had likewise his white agents —they were necessary—a Mr. Larkins and a Mr. Crofts. Mr. Crofts was sub-treasurer, and Mr. Larkins accountant-general. These were the last persons of all others, that should have had any thing to do with bribes; yet these were some of his agents in bribery. There are few instances in comparison of the whole number of bribes, but there are some, where two men are in the secret of the same bribe. Nay, it appears, that there was one bribe divided into different payments at different times—that one part was committed to one black secretary—another part to another black secretary. So that it is almost impossible to make up a complete body of all his bribery: you may find the scattered limbs, some here and others there; and while you are employed in picking them up, he may escape entirely in a prosecution for the whole.

The first act of his Government in Bengal was the most bold and extraordinary, that I believe ever entered into the head of any man, I will say, of any tyrant. It was no more or less than a general (almost exceptless) confiscation, in time

of

of profound peace, of all the landed property in Bengal upon most extraordinary pretences. Strange as this may appear, he did so confiscate it; he put it up to a pretended publick, in reality to a private corrupt, auction; and such favoured landholders, as came to it, were obliged to consider themselves as not any longer proprietors of the estates, but to recognise themselves as farmers under Government: and even those few, that were permitted to remain on their estates, had their payments raised at his arbitrary discretion; and the rest of the lands were given to farmers general, appointed by him and his committee, at a price fixed by the same arbitrary discretion.

It is necessary to inform your Lordships, that the revenues of Bengal are for the most part territorial revenues, great quit rents issuing out of lands. I shall say nothing either of the nature of this property, of the rights of the people to it, or of the mode of exacting the rents, till that great question of revenues, one of the greatest, which we shall have to lay before you, shall be brought before your Lordships particularly and specially as an article of charge. I only mention it now as an exemplification of the great principle of corruption, which guided Mr. Hastings's conduct.

When the ancient nobility, the great princes

(for such I may call them) a nobility, perhaps, as ancient as that of your Lordships (and a more truly noble body never existed in that character;) my Lords, when all the nobility, some of whom have born the rank and port of princes, all the gentry, all the freeholders of the country, had their estates in that manner confiscated, that is, either given to themselves to hold on the footing of farmers, or totally confiscated; when such an act of tyranny was done, no doubt, some good was pretended. This confiscation was made by Mr. Hastings, and the lands let to these farmers for five years, upon an idea, which always accompanies his acts of oppression, the idea of *monied merit.* He adopted this mode of confiscating the estates, and letting them to farmers, for the avowed purpose of seeing how much it was possible to take out of them. Accordingly he set them up to this wild and wicked auction, as it would have been, if it had been a real one—corrupt and treacherous, as it was. He set these lands up for the purpose of making that discovery, and pretended, that the discovery would yield a most amazing increase of rent. And for some time it appeared so to do, till it came to the touchstone of experience; and then it was found, that there was a defalcation from these monstrous raised revenues, which were to cancel in the minds of the Directors the wickedness

ness of so atrocious, flagitious, and horrid an act of treachery. At the end of five years what do you think was the failure?—No less than 2,050,000*l.* Then a new source of corruption was opened, that is, how to deal with the balances: for every man, who had engaged in these transactions, was a debtor to Government, and the remission of that debt depended upon the discretion of the Governour General. Then the persons, who were to settle the composition of that immense debt, who were to see how much was recoverable, and how much not, were able to favour, or to exact to the last shilling; and there never existed a doubt, but that, not only upon the original cruel exaction, but upon the remission afterwards, immense gains were derived. This will account for the manner, in which those stupendous fortunes, which astonish the world, have been made. They have been made—first, by a tyrannous exaction from the people, who were suffered to remain in possession of their own land as farmers, then by setting the rest to farmers at rents and under hopes, which could never be realized, and then getting money for the relaxation of their debts. But whatever excuse, and however wicked, there might have been for this wicked act, namely, that it carried upon the face of it some sort of appearance of publick good, that is to say, that sort of publick

good,

good, which Mr. Hastings so often professed, of ruining the country for the benefit of the Company; yet, in fact, this business of balances is that *nidus*, in which have been nustled and bred and born all the corruptions of India;—first, by making extravagant demands, and afterwards by making corrupt relaxations of them.

Besides this monstrous failure in consequence of a miserable exaction, by which more was attempted to be forced from the country than it was capable of yielding, and this by way of experiment, when your Lordships come to inquire who the farmers general of the revenue were, you would naturally expect to find them to be the men in the several countries, who had the most interest, the greatest wealth, the best knowledge of the revenue and resources of the country, in which they lived. These would be thought the natural proper farmers general of each district. No such thing, my Lords. They are found in the body of people, whom I have mentioned to your Lordships. They were almost all let to Calcutta Banyans. Calcutta Banyans were the farmers of almost the whole. They sub-delegated to others, who sometimes had sub-delegates under them *ad infinitum*. The whole formed a system together through the succession of black tyrants scattered through the country, in which you at last find the European

at

at the end, sometimes indeed not hid very deep, not above one between him and the farmer, namely, his Banyan directly, or some other black person to represent him. But some have so managed the affair, that when you inquire who the farmer is—Was such a one farmer?—No. Cantoo Baboo?—No. Another?—No: at last you find three deep of fictitious farmers, and you find the European gentlemen, high in place and authority, the real farmers of the settlement. So that the Zemindars were dispossessed, the country racked and ruined for the benefit of an European, under the name of a farmer: for you will easily judge whether these gentlemen had fallen so deeply in love with the Banyans, and thought so highly of their merits and services, as to reward *them* with all the possessions of the great landed interest of the country. Your Lordships are too grave, wise and discerning, to make it necessary for me to say more upon that subject. Tell me, that the Banyans of English gentlemen, dependants on them at Calcutta, were the farmers throughout, and I believe I need not tell your Lordships, for whose benefit they were farmers.

But there is one of these, who comes so nearly, indeed so precisely within this observation, that it is impossible for me to pass him by. Whoever has heard of Mr. Hastings's name, with any knowledge

knowledge of Indian connexions, has heard of his Banyan Cantoo Baboo. This man is well known in the records of the Company, as his agent for receiving secret gifts, confiscations and presents. You would have imagined, that he would at least have kept *him* out of these farms, in order to give the measure a colour at least of disinterestedness, and to show, that this whole system of corruption and pecuniary oppression was carried on for the benefit of the Company. The Governour General and Council made an ostensible order, by which no collector, or person concerned in the revenue, should have any connexion with these farms. This order did not include the Governour General in the words of it, but more than included him in the spirit of it: because his power to protect a farmer general in the person of his own servant was infinitely greater than that of any subordinate person. Mr. Hastings, in breach of this order, gave farms to his own Banyan. You find him the farmer of great, of vast and extensive farms.

Another regulation, that was made on that occasion, was, that no farmer should have, except in particular cases, which were marked, described, and accurately distinguished, a greater farm than what paid 10,000*l.* a year to Government. Mr. Hastings, who had broken the first regulation by giving any farm at all to his Banyan,

Banyan, finding himself bolder, broke the second too, and, instead of 10,000*l.* gave him farms paying a revenue of 130,000*l.* a year to Government. Men undoubtedly have been known to be under the dominion of their domesticks: such things have happened to great men; they never have happened justifiably in my opinion. They have never happened excusably; but we are acquainted sufficiently with the weakness of human nature to know, that a domestick, who has served you in a near office long, and in your opinion faithfully, does become a kind of relation: it brings on a great affection and regard for his interest. Now was this the case with Mr. Hastings and Cantoo Baboo? Mr. Hastings was just arrived at his government, and Cantoo Baboo had been but a year in his service; so that he could not in that time have contracted any great degree of friendship for him. These people do not live in your house; the Hindoo servants never sleep in it; they cannot eat with your servants; they have no second table, in which they can be continually about you, to be domesticated with yourself, a part of your being, as people's servants are to a certain degree. These persons live all abroad; they come at stated hours upon matters of business, and nothing more. But if it had been otherwise, Mr. Hastings's connexion with Cantoo

Baboo

Baboo had been but of a year's standing: he had before served in that capacity Mr. Sykes, who recommended him to Mr. Hastings. Your Lordships then are to judge, whether such outrageous violations of all the principles, by which Mr. Hastings pretended to be guided in the settlement of these farms, were for the benefit of this old, decayed, affectionate servant of one year's standing—your Lordships will judge of that.

I have here spoken only of the beginning of a great notorious system of corruption; which branched out so many ways, and into such a variety of abuses, and has afflicted that kingdom with such horrible evils from that day to this, that I will venture to say it will make one of the greatest, weightiest, and most material parts of the Charge, that is now before you; as I believe I need not tell your Lordships, that an attempt to set up the whole landed interest of a kingdom to auction must be attended, not only in that act but every consequential act, with most grievous and terrible consequences.

My Lords, I will now come to a scene of peculation of another kind; namely, a peculation by the direct sale of offices of justice; by the direct sale of the successions of families; by the sale of guardianships, and trusts, held most sacred among the people of India; by the sale

of

of them, not as before to farmers, not as you might imagine to near relations of the families, but a sale of them to the unfaithful servants of those families, their own perfidious servants, who had ruined their estates, who, if any balances had accrued to the Government, had been the cause of those debts. Those very servants were put in power over their estates, their persons and their families by Mr. Hastings for a shameful price. It will be proved to your Lordships in the course of this business, that Mr. Hastings has done this in another sacred trust, the most sacred trust a man can have; that is, in the case of those Vackiels (as they call them) agents, or attornies, who had been sent to assert and support the rights of their miserable masters before the Council General. It will be proved, that these Vackiels were by Mr. Hastings, for a price to be paid for it, put in possession of the very power, situation, and estates of those masters, who sent them to Calcutta to defend them from wrong and violence. The selling offices of justice, the sale of succession in families, of guardianships and other sacred trusts, the selling masters to their servants, and principals to the attornies they employed to defend themselves, were all parts of the same system; and these were the horrid ways, in which he received bribes beyond any common rate.

When

When Mr. Hastings was appointed in the year 1773 to be Governour General of Bengal, together with Mr. Barwell, General Clavering, Colonel Monson, and Mr. Francis, the Company, knowing the former corrupt state of their service (but the whole corrupt system of Mr. Hastings at that time not being known, or even suspected at home) did order them, in discharge of the spirit of the Act of Parliament, to make an inquiry into all manner of corruptions and malversations in office, without the exception of any persons whatever. Your Lordships are to know, that the Act did expressly authorize the Court of Directors to frame a body of instructions, and to give orders to their new servants, appointed under the Act of Parliament, lest it should be supposed, that they, by their appointment under the Act, could supersede the authority of the Directors.

The Directors, sensible of the power left in them over their servants by the Act of Parliament, though their nomination was taken from them, did, agreeably to the spirit and power of that Act, give this order.

The Council consisted of two parties; Mr. Hastings and Mr. Barwell, who were chosen, and kept there, upon the idea of their local knowledge; and the other three, who were appointed on account of their great parts and known integrity. And I will venture to say,

that

that those three gentlemen did so execute their duty in India in all the substantial parts of it, that they will serve as a shield to cover the honour of England, whenever this country is upbraided in India.

They found a rumour running through the country of great peculations and oppressions. Soon after, when it was known, what their instructions were, and that the Council was ready, as is the first duty of all governours, even when there is no express order, to receive complaints against the oppressions and corruptions of government in any part of it—they found such a body (and that body shall be produced to your Lordships) of corruption and peculation in every walk, in every department, in every situation of life, in the sale of the most sacred trusts, and in the destruction of the most ancient families of the country, as I believe in so short a time never was unveiled since the world began.

Your Lordships would imagine, that Mr. Hastings would at least ostensibly have taken some part in endeavouring to bring these corruptions before the publick, or that he would at least have acted with some little management in his opposition. But alas! it was not in his power; there was not one, I think, but I am sure very few, of these general articles of cor-

ruption, in which the most eminent figure in the crowd, the principal figure as it were in the piece, was not Mr. Hastings himself. There were a great many others involved; for all departments were corrupted and vitiated. But you could not open a page, in which you did not see Mr. Hastings, or in which you did not see Cantoo Baboo. Either the black or white side of Mr. Hastings constantly was visible to the world in every part of these transactions.

With the other gentlemen, who were visible too, I have at present no dealing. Mr. Hastings, instead of using any management on that occasion, instantly set up his power and authority, directly against the majority of the Council, directly against his colleagues, directly against the authority of the East India Company and the authority of the Act of Parliament, to put a dead stop to all these inquiries. He broke up the Council the moment they attempted to perform this part of their duty. As the evidence multiplied upon him, the daring exertions of his power in stopping all inquiries increased continually. But he gave a credit and authority to the evidence by these attempts to suppress it.

Your Lordships have heard, that among the body of the accusers of this corruption there was a principal man in the country, a man of the first rank and authority in it, called Nundcomar,

comar, who had the management of revenues amounting to 150,000*l.* a year, and who had, if really inclined to play the small game, with which he has been charged by his accusers, abundant means to gratify himself in playing great ones; but Mr. Hastings has himself given him, upon the records of the Company, a character, which would at least justify the Council in making some inquiry into charges made by him.

First, he was perfectly competent to make them, because he was in the management of those affairs, from which Mr. Hastings is supposed to have received corrupt emolument. He and his son were the chief managers in those transactions. He was, therefore, perfectly competent to it.—Mr. Hastings has cleared his character; for, though it is true in the contradictions, in which Mr. Hastings has entangled himself, he has abused and insulted him, and particularly after his appearance, as an accuser, yet before this he has given this testimony of him, that the hatred, that had been drawn upon him, and the general obloquy of the English nation, was on account of his attachment to his own prince and the liberties of his country. Be he what he might, I am not disposed, nor have I the least occasion, to defend either his conduct or his memory.

It is to no purpose for Mr. Hastings to spend time in idle objections to the character of Nundcomar. Let him be as bad as Mr. Hastings represents him. I suppose he was a caballing, bribing, intriguing politician, like others in that country, both black and white. We know, associates in dark and evil actions are not generally the best of men; but be that as it will, it generally happens, that they are the best of all discoverers. If Mr. Hastings were the accuser of Nundcomar, I should think the presumptions equally strong against Nundcomar, if he had acted as Mr. Hastings has acted. He was not only competent, but the most competent of all men to be Mr. Hastings's accuser. But Mr. Hastings has himself established both his character, and his competency, by employing him against Mahommed Reza Khân. He shall not blow hot and cold. In what respect was Mr. Hastings better than Mahommed Reza Khân, that the whole rule, principle, and system of accusation and inquiry should be totally reversed in general, nay, reversed in the particular instance the moment he became accuser against Mr. Hastings. Such was the accuser. He was the man, that gave the bribes, and, in addition to his own evidence, offers proof by other witnesses.

What was the accusation? Was the accusation improbable,

improbable, either on account of the subject-matter, or the actor in it? Does such an appointment as that of Munny Begum in the most barefaced evasion of his orders appear to your Lordships a matter, that contains no just presumptions of guilt? so that when a charge of bribery comes upon it, you are prepared to reject it, as if the action were so clear and proper, that no man could attribute it to an improper motive? And, as to the man, is Mr. Hastings a man, against whom a charge of bribery is improbable? Why, he owns it. He is a professor of it. He reduces it into scheme and system. He glories in it. He turns it to merit, and declares it is the best way of supplying the exigencies of the Company. Why therefore should it be held improbable?—But I cannot mention this proceeding without shame and horrour.

My Lords, when this man appeared as an accuser of Mr. Hastings, if he was a man of bad character, it was a great advantage to Mr. Hastings to be accused by a man of that description. There was no likelihood of any great credit being given to him.

This person, who, in one of those sales, of which I have already given you some account in the history of the last period of the revolutions of Bengal, had been, or thought he had been,

cheated of his money, had made some discoveries, and been guilty of that great irremissible sin in India, the disclosure of peculation. He afterwards came with a second disclosure, and was likely to have odium enough upon the occasion. He directly charged Mr. Hastings with the receipt of bribes amounting together to about 40,000*l.* sterling, given by himself, on his own account, and that of Munny Begum. The Charge was accompanied with every particular, which could facilitate proof or detection; time, place, persons, species, to whom paid, by whom received. Here was a fair opportunity for Mr. Hastings at once to defeat the malice of his enemies, and to clear his character to the world. His course was different. He railed much at the accuser, but did not attempt to refute the accusation. He refuses to permit the inquiry to go on, attempts to dissolve the Council, commands his Banyan not to attend. The Council however goes on, examines to the bottom, and resolves, that the charge was proved, and that the money ought to go to the Company. Mr. Hastings then broke up the Council, I will not say whether legally or illegally. The Company's law counsel thought he might legally do it; but he corruptly did it, and left mankind no room to judge but that it was done for the screening of his own guilt; for a man may use a

legal

legal power corruptly, and for the most shameful and detestable purposes. And thus matters continued, till he commenced a criminal prosecution against this man—this man, whom he dared not meet as a defendant.

Mr. Hastings, instead of answering the charge, attacks the accuser. Instead of meeting the man in front, he endeavoured to go round, to come upon his flanks and rear, but never to meet him in the face upon the ground of his accusation, as he was bound by the express authority of law, and the express injunctions of the Directors, to do. If the bribery is not admitted on the evidence of Nundcomar, yet his suppressing it is a crime—a violation of the orders of the Court of Directors. He disobeyed those instructions; and if it be only for disobedience, for rebellion against his masters (putting the corrupt motive out of the question) I charge him for this disobedience, and especially on account of the principles, upon which he proceeded in it.

Then he took another step; he accused Nundcomar of a conspiracy, which was a way he then and ever since has used, whenever means were taken to detect any of his own iniquities.

And here it becomes necessary to mention another circumstance of history, that the Legislature, not trusting entirely to the Governour General and Council, had sent out a Court of

Justice to be a counter security against these corruptions, and to detect and punish any such misdemeanors, as might appear. And this Court I take for granted has done great services.

Mr. Hastings flew to this Court, which was meant to protect in their situations informers against bribery and corruption, rather than to protect the accused from any of the preliminary methods, which must indispensably be used for the purpose of detecting their guilt; he flew to this Court, charging this Nundcomar and others with being conspirators.

A man might be convicted as a conspirator, and yet afterwards live; he might put the matter into other hands, and go on with his information; nothing less than *stone-dead* would do the business. And here happened an odd concurrence of circumstances. Long before Nundcomar preferred his charge, he knew, that Mr. Hastings was plotting his ruin, and that for this purpose he had used a man, whom he, Nundcomar, had turned out of doors, called Mohun Persaud. Mr. Hastings had seen papers put upon the board, charging him with this previous plot for the destruction of Nundcomar; and this identical person, Mohun Persaud, whom Nundcomar had charged as Mr. Hastings's associate in plotting his ruin, was now again brought forward, as the principal evidence against him.

I will

I will not enter (God forbid I should) into the particulars of the subsequent trial of Nundcomar; but you will find the marks and characters of it to be these. You will find a close connexion between Mr. Hastings and the Chief Justice, which we shall prove. We shall prove, that one of the witnesses, who appeared there, was a person, who had been before, or has since been, concerned with Mr. Hastings in his most iniquitous transactions. You will find what is very odd, that in this trial for forgery, with which this man stood charged, forgery in a private transaction, all the persons, who were witnesses, or parties to it, had been, before or since, the particular friends of Mr. Hastings—in short, persons from that rabble, with whom Mr. Hastings was concerned, both before and since, in various transactions and negotiations of the most criminal kind. But the law took its course. I have nothing more to say than that the man is gone —hanged justly if you please; and that it did so happen luckily for Mr. Hastings—it so happened, that the relief of Mr. Hastings and the justice of the Court, and the resolution never to relax its rigour, did all concur just at a happy nick of time and moment; and Mr. Hastings accordingly had the full benefit of them all.

His accuser was supposed to be what men may be, and yet very competent for accusers—namely,

namely, one of his accomplices in guilty actions; one of those persons, who may have a great deal to say of bribes. All, that I contend for, is, that he was in the closest intimacy with Mr. Hastings, was in a situation for giving bribes; and that Mr. Hastings was proved afterwards to have received a sum of money from him, which may be well referred to bribes.

This example had its use in the way, in which it was intended to operate, and in which alone it could operate. It did not discourage forgeries; they went on at their usual rate, neither more nor less. But it put an end to all accusations against all persons in power for any corrupt practice. Mr. Hastings observes, that no man in India complains of him. It is generally true. The voice of all India is stopped. All complaint was strangled with the same cord, that strangled Nundcomar. This murdered not only that accuser, but all future accusation; and not only defeated but totally vitiated and reversed all the ends, for which this country, to its eternal and indelible dishonour, had sent out a pompous embassy of justice to the remotest parts of the globe.

But though Nundcomar was put out of the way by the means, by which *he* was removed, a part of the charge was not strangled with him. Whilst the process against Nundcomar was carrying

rying on before Sir Elijah Impey, the process was continuing against Mr. Hastings in other modes; the receipt of a part of those bribes from Munny Begum to the amount of 15,000*l.* was proved against him; and that a sum, to the same amount, was to be paid to his associate, Mr. Middleton, as it was proved at Calcutta, so it will be proved at your Lordships' bar to your entire satisfaction by records and living testimony now in England. It was indeed obliquely admitted by Mr. Hastings himself.

The excuse for this bribe, fabricated by Mr. Hastings, and taught to Munny Begum, when he found, that she was obliged to prove it against him, was, that it was given to him for his entertainment, according to some pretended custom, at the rate of 200*l.* sterling a day, whilst he remained at Moorshedabad. My Lords, this leads me to a few reflections on the apology or defence of this bribe. We shall certainly I hope render it clear to your Lordships, that it was not paid in this manner, as a daily allowance, but given in a gross sum. But take it in his own way, it was no less illegal, and no less contrary to his covenant; but if true under the circumstances, it was an horrible aggravation of his crime. The first thing, that strikes, is, that visits from Mr. Hastings are pretty severe things; and hospitality at Moorshedabad

dabad is an expensive virtue, though for provision it is one of the cheapest countries in the universe. No wonder, that Mr. Hastings lengthened his visit, and made it extend near three months. Such hosts and such guests cannot be soon parted. Two hundred pounds a day for a visit! it is at the rate of 73,000*l.* a year for himself; and as I find his companion was put on the same allowance, it will be 146,000 *l.* a year for hospitality to two English gentlemen.

I believe, that there is not a prince in Europe, who goes to such expensive hospitality of splendour. But that you may judge of the true nature of this hopitality of corruption, I must bring before you the business of the visiter, and the condition of the host, as stated by Mr. Hastings himself, who best knows what he was doing.

He was then at the old capital of Bengal, at the time of this expensive entertainment on a business of retrenchment, and for the establishment of a most harsh, rigorous, and oppressive economy. He wishes the task were assigned to spirits of a less gentle kind. By Mr. Hastings's account, he was giving daily and hourly wounds to his humanity in depriving of their sustenance hundreds of persons of the ancient nobility of a great fallen kingdom. Yet it was in the midst of this galling duty, it was at that very moment of his tender sensibility, that from the collected

morsels

morsels plucked from the famished mouths of hundreds of decayed, indigent, and starving nobility, he gorged his ravenous maw with 200*l.* a day for his entertainment. In the course of all this proceeding your Lordships will not fail to observe, he is never corrupt, but he is cruel; he never dines with comfort, but where he is sure to create a famine. He never robs from the loose superfluity of standing greatness; he devours the fallen, the indigent, the necessitous. His extortion is not like the generous rapacity of the princely eagle, who snatches away the living struggling prey: he is a vulture, who feeds upon the prostrate, the dying and the dead. As his cruelty is more shocking than his corruption, so his hypocrisy has something more frightful than his cruelty. For whilst his bloody and rapacious hand signs proscriptions, and now sweeps away the food of the widow and the orphan, his eyes overflow with tears, and he converts the healing balm, that bleeds from wounded humanity, into a rancorous and deadly poison to the race of man.

Well, there was an end to this tragick entertainment, this feast of Tantalus. The few left on the pension list, the poor remnants, that had escaped, were they paid by his administratix and deputy Munny Begum? Not a shilling. No fewer than forty-nine petitions, mostly from the widows

widows of the greatest and most splendid houses of Bengal, came before the Council, praying in the most deplorable manner for some sort of relief out of the pittance assigned them. His colleagues, General Clavering, Colonel Monson, and Mr. Francis, men, who, when England is reproached for the government of India, will, I repeat it, as a shield be held up between this nation and infamy, did, in conformity to the strict orders of the Directors, appoint Mahomed Reza Khân to his old offices—that is, to the general superintendency of the household and the administration of justice, a person, who by his authority might keep some order in the ruling family and in the state. The Court of Directors authorized them to assure those offices to him, with a salary reduced indeed to 30,000*l.* a year, during his good behaviour. But Mr. Hastings, as soon as he obtained a majority by the death of the two best men ever sent to India, notwithstanding the orders of the Court of Directors; in spite of the publick faith solemnly pledged to Mahomed Reza Khân, without a shadow of complaint, had the audacity to dispossess him of all his offices, and appoint his bribing patroness, the old dancing girl, Munny Begum, once more to the vice-royalty and all its attendant honours and functions.

The pretence was more insolent and shameless than the act. Modesty does not long survive inno-

cence.

cence. He brings forward the miserable pageant of the Nabob, as he called him, to be the instrument of his own disgrace, and the scandal of his family and government. He makes him to pass by his mother, and to petition us to appoint Munny Begum once more to the administration of the vice-royalty. He distributed Mahomed Reza Khân's salary as a spoil.

When the orders of the Court, to restore Mahomed Reza Khân, with their opinion on the corrupt cause of his removal, and a second time to pledge to him the publick faith for his continuance, were received, Mr. Hastings, who had been just before a pattern of obedience, when the despoiling, oppressing, imprisoning, and persecuting this man was the object, yet when the order was of a beneficial nature, and pleasant to a well-formed mind, he at once loses all his old principles, he grows stubborn and refractory, and refuses obedience. And in this sullen uncomplying mood he continues, until, to gratify Mr. Francis in an agreement on some of their differences, he consented to his proposition of obedience to the appointment of the Court of Directors. He grants to his arrangement of convenience what he had refused to his duty, and replaces that magistrate. But mark the double character of the man, never true to any thing but fraud and duplicity. At the same time that he publickly

publickly replaces this magistrate, pretending compliance with his colleague, and obedience to his masters, he did in defiance of his own and the publick faith privately send an assurance to the Nabob—that is, to Munny Begum, informs her, that he was compelled by necessity to the present arrangement in favour of Mahomed Reza Khân; but that on the first opportunity he would certainly displace him again. And he kept faith with his corruption; and to show how vainly any one sought protection in the lawful authority of this kingdom, he displaced Mahomed Reza Khân from the lieutenancy and controllership, leaving him only the judicial department miserably curtailed.

But does he adhere to his old pretence of freedom to the Nabob? No such thing. He appoints an absolute master to him under the name of Resident, a creature of his personal favour, Sir J. Doiley, from whom there is not one syllable of correspondence, and not one item of account. How grievous this yoke was to that miserable captive, appears by a paper of Mr. Hastings, in which he acknowledges, that the Nabob had offered, out of the 160,000*l.* payable to him yearly, to give up to the Company no less than 40,000*l.* a year, in order to have the free disposal of the rest. On this all comment is superfluous. Your Lordships are

furnished

furnished with a standard, by which you may estimate his real receipt from the revenue assigned to him, the nature of the pretended residency, and its predatory effects. It will give full credit to what was generally rumoured and believed, that substantially and beneficially the Nabob never received 50 out of the 160,000 pounds; which will account for his known poverty; and wretchedness, and that of all about him.

Thus by his corrupt traffick of bribes with one scandalous woman he disgraced and enfeebled the native Mahommedan government, captived the person of the sovereign, and ruined and subverted the justice of the country. What is worse, the steps taken for the murder of Nundcomar, his accuser, have confirmed and given sanction not only to the corruptions then practised by the Governour General, but to all, of which he has since been guilty. This will furnish your Lordships with some general idea, which will enable you to judge of the bribe, for which he sold the country government.

Under this head you will have produced to you full proof of his sale of a judicial office to a person called Khân Jehân Khân, and the modes he took to frustrate all inquiry on that subject upon a wicked and false pretence, that according to his religious scruples he could not be sworn.

The great end and object I have in view is to show the criminal tendency, the mischievous nature, of these crimes, and the means taken to elude their discovery. I am now giving your Lordships that general view, which may serve to characterize Mr. Hastings's administration in all the other parts of it.

It was not true in fact (as Mr. Hastings gives out) that there was nothing now against him, and that, when he had got rid of Nundcomar and his charge, he got rid of the whole. No such thing. An immense load of charges of bribery remained. They were coming afterwards from every part of the province; and there was no office in the execution of justice, which he was not accused of having sold in the most flagitious manner.

After all this thundering the sky grew calm and clear, and Mr. Hastings sat with recorded peculation, with peculation proved upon oath on the minutes of that very council—he sat at the head of that council and that board where his peculations were proved against him. These were afterwards transmitted, and recorded in the registers of his masters, as an eternal monument of his corruption, and of his high disobedience, and flagitious attempts to prevent a discovery of the various peculations, of which he had been guilty, to the disgrace and ruin of the country committed to his care.

Mr.

Mr. Hastings, after the execution of Nundcomar, if he had intended to make even a decent and commonly sensible use of it, would naturally have said, this man is justly taken away, who has accused me of these crimes; but as there are other witnesses, as there are other means of a further inquiry, as the man is gone, of whose perjuries I might have reason to be afraid, let us now go into the inquiry. I think he did very ill not to go into the inquiry, when the man was alive; but be it so, that he was afraid of him and waited till he was removed, why not afterwards go into such an inquiry? Why not go into an inquiry of all the other peculations and charges upon him, which were innumerable, one of which I have just mentioned in particular, the charge of Munny Begum—of having received from her, or her adopted son, a bribe of 40,000*l.*?

Is it fit for a governour to say,—will Mr. Hastings say before this august assembly, I may be accused in a court of justice, I am upon my defence, let all charges remain against me, I will not give you an account? Is it fit, that a governour should sit with recorded bribery upon him at the head of a publick board, and the government of a great kingdom, when it is in his power by inquiry to do it away? No—the chastity of character of a man in that situation ought to be

as dear to him as his innocence. Nay, more depended upon it. His innocence regarded himself, his character regarded the publick justice, regarded his authority, and the respect due to the English in that country. I charge it upon him, that not only did he suppress the inquiry to the best of his power (and it shall be proved) but he did not in any one instance endeavour to clear off that imputation and reproach from the English government. He went further, he never denied hardly any of those charges at the time. They are so numerous, that I cannot be positive; some of them he might meet with some sort of denial, but the most part he did not.

The first thing a man under such an accusation owes to the world is to deny the charge; next to put it to the proof; and lastly to let inquiry freely go on. He did not permit this, but stopped it all in his power. I am to mention some exceptions perhaps hereafter, which will tend to fortify the principle tenfold.

He promised indeed the Court of Directors (to whom he never denied the facts) a full and liberal explanation of these transactions; which full and liberal explanation he never gave. Many years passed; even Parliament took notice of it; and he never gave them a liberal explanation, or any explanation at all, of them. A man may say, I am threatened with a suit in a court,

a court, and it may be very disadvantageous to me, if I disclose my defence. That is a proper answer for a man in common life, who has no particular character to sustain; but is that a proper answer for a governour accused of bribery? that accusation transmitted to his masters, and his masters giving credit to it? Good God! is that a state, in which a man is to say, I am upon the defensive? I am on my guard? I will give you no satisfaction? I have promised it, but I have already deferred it for seven or eight years? Is not this tantamount to a denial?

Mr. Hastings, with this great body of bribery against him, was providentially freed from Nundcomar, one of his accusers; and as good events do not come alone (I think there is some such proverb) it did so happen that all the rest, or a great many of them, ran away. But, however, the recorded evidence of the former charges continued; no new evidence came in; and Mr. Hastings enjoyed that happy repose, which branded peculation, fixed and eternized upon the records of the Company, must leave upon a mind conscious of its own integrity.

My Lords, I will venture to say, there is no man but owes something to his character. It is the grace, undoubtedly, of a virtuous firm mind often to despise common vulgar calumny;

but if ever there is an occasion, in which it does become such a mind to disprove it, it is the case of being charged in high office with pecuniary malversation, pecuniary corruption. There is no case, in which it becomes an honest man—much less a great man—to leave upon record specifick charges against him of corruption in his government, without taking any one step whatever to refute them.

Though Mr. Hastings took no step to refute the charges, he took many steps to punish the authors of them; and those miserable people, who had the folly to make complaints against Mr. Hastings, to make them under the authority of an Act of Parliament, under every sanction of publick faith, yet in consequence of those charges every person concerned in them has been, as your Lordships will see, since his restoration to power, absolutely undone; brought from the highest situation to the lowest misery; so that they may have good reason to repent they ever trusted an English Council, that they ever trusted a Court of Directors, that they ever trusted an English Act of Parliament, that they ever dared to make their complaints.

And here I charge upon Mr. Hastings, that by never taking a single step to defeat, or detect the falsehood of, any of those charges against him, and by punishing the authors of them, he

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has been guilty of such a subversion of all the principles of British government as will deserve, and will I dare say meet, your Lordships' most severe animadversion.

In the course of this inquiry we find a sort of pause in his peculations, a sort of gap in the history, as if pages were torn out. No longer we meet with the same activity in taking money, that was before found; not even a trace of complimentary presents is to be found in the records during the time, whilst General Clavering, Colonel Monson, and Mr. Francis, formed the majority of the Council. There seems to have been a kind of truce with that sort of conduct for a while, and Mr. Hastings rested upon his arms. However, the very moment Mr. Hastings returned to power, peculation began again just at the same instant; the moment we find him free from the compulsion and terrour of a majority of persons otherwise disposed than himself, we find him at his peculation again.

My Lords, at this time very serious inquiries had begun in the House of Commons concerning peculation. They did not go directly to Bengal, but they began upon the coast of Coromandel, and with the principal governours there. There was, however, an universal opinion (and justly founded) that these inquiries would go to far greater lengths. Mr. Hastings was resolved

then to change the whole course and order of his proceeding. Nothing could persuade him upon any account to lay aside his system of bribery; that he was resolved to persevere in. The point was now to reconcile it with his safety. The first thing he did was to attempt to conceal it, and accordingly we find him depositing very great sums of money in the publick treasury through the means of the two persons I have already mentioned, namely, the Deputy Treasurer and the Accomptant, paying them in and taking bonds for them as money of his own, and bearing legal interest.

This was his method of endeavouring to conceal some at least of his bribes (for I would not suggest, nor have your Lordships to think, that I believe, that these were his only bribes; for there is reason to think there was an infinite number besides;) but it did so happen, that they were those bribes, which he thought might be discovered, some of which he knew were discovered, and all of which he knew might become the subject of a parliamentary inquiry.

Mr. Hastings said, he might have concealed them for ever. Every one knows the facility of concealing corrupt transactions every where, in India particularly. But this is by himself proved not to be universally true, at least not to be true in his own opinion. For he tells you

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in his letter from Cheltenham, that he *would* have concealed the Nabob's 100,000*l.* but that the magnitude rendered it easy of discovery. He, therefore, avows an intention of concealment.

But it happens here very singularly, that this sum, which his fears of discovery by *others* obliged him to discover *himself*, happens to be one of those, of which no trace whatsoever appears, except merely from the operation of his own apprehensions. There is no collateral testimony; Middleton knew nothing of it; Anderson knew nothing of it. It was not directly communicated to the faithful Larkins, or the trusty Croftes—which proves indeed the facility of concealment. The fact is, you find the application always upon the discovery. But concealment or discovery is a thing of accident.

The bribes, which I have hitherto brought before your Lordships, belong to the first period of his bribery, before he thought of the doctrine on which he has since defended it. There are many other bribes, which we charge him with having received during this first period, before an improving conversation and close virtuous connexion with great lawyers had taught him how to practise bribes in such a manner, as to defy detection, and instead of punishment to plead merit. I am not bound to find order and consistency

consistency in guilt; is is the reign of disorder. The order of the proceeding, as far as I am able to trace such a scene of prevarication, direct fraud, falsehood, and falsification of the publick accounts, was this.—From bribes he knew he could never abstain; and his then precarious situation made him the more rapacious. He knew, that a few of his former bribes had been discovered, declared, recorded; that for the moment indeed he was secure, because all informers had been punished, and all concealers rewarded. He expected hourly a total change in the Council; and that men like Clavering and Monson might be again joined to Francis; that some great avenger should arise from their ashes —"*Exoriare aliquis nostris ex ossibus ultor*," and that a more severe investigation, and an infinitely more full display would be made of his robbery, than hitherto had been done. He therefore began in the agony of his guilt to cast about for some device, by which he might continue his offence, if possible, with impunity, and possibly make a merit of it. He therefore first carefully perused the Act of Parliament, forbidding bribery, and his old covenant engaging him not to receive presents. And here he was more successful than upon former occasions. If ever an Act was studiously and carefully framed to prevent bribery, it is that law of the

13th

13th of the King, which he well observes admits no latitudes of construction, no subterfuge, no escape, no evasion. Yet has he found a defence of his crimes even in the very provisions, which were made for their prevention and their punishment. Besides the penalty, which belongs to every informer, the East India Company was invested with a fiction of property in all such bribes, in order to drag them with more facility out of the corrupt hands, which held them. The covenant with an exception of 100 pounds, and the Act of Parliament without any exception, declared, that the Governour General and Council should receive no presents *for their own use*. He therefore concluded, that the system of bribery and extortion might be clandestinely and safely carried on, provided the party taking the bribes had an inward intention and mental reservation, that they should be privately applied to the Company's service, in any way the briber should think fit; and that, on many occasions this would prove the best method of supply for the exigencies of their service.

He accordingly formed, or pretended to form, a private bribe Exchequer, collateral with, and independent of, the Company's publick Exchequer; though in some cases administered by those, whom for his purposes he had placed in the regular official department. It is no wonder, that

that he hast taken to himself an extraordinary degree of merit. For surely such an invention of finance I believe never was heard of, as an Exchequer, wherein extortion was the assessor, fraud the cashier, confusion the accomptant, concealment the reporter, and oblivion the remembrancer: in short, such as I believe no man, but one driven by guilt into phrensy, could ever have dreamed of.

He treats the official and regular Directors with just contempt, as a parcel of mean, mechanical book-keepers. He is an eccentrick book-keeper, a Pindarick accomptant. I have heard of "the poet's eye in a fine phrensy rolling." Here was a revenue, exacted from whom he pleased, at what times he pleased, in what proportions he pleased, through what persons he pleased, by what means he pleased, to be accounted for, or not, at his discretion, and to be applied to what service he thought proper. I do believe your Lordships stand astonished at this scheme; and indeed I should be very loath to venture to state such a scheme at all, however I might have credited it myself, to any sober ears, if, in his defence before the House of Commons and before the Lords, he had not directly admitted the fact of taking the bribes or forbidden presents, and had not in those defences, and much more fully in his correspondence with

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the Directors, admitted the fact, and justified it upon these very principles.

As this is a thing so unheard of and unexampled in the world, I shall first endeavour to account, as well as I can, for his motives to it; which your Lordships will receive or reject, just as you shall find them tally with the evidence before you. I say, his motives to it; because I contend, that publick valid reasons for it he could have none: and the idea of making the corruption of the Governour General a resource to the Company never did or could for a moment enter into his thoughts. I shall then take notice of the juridical constructions, upon which he justifies his acting in this extraordinary manner. And lastly, shew you the concealments, prevarications, and falsehoods, with which he endeavours to cover it. Because wherever you find a concealment you make a discovery. Accounts of money received and paid ought to be regular and official.

He wrote over to the Court of Directors, that there were certain sums of money he had received, and which were not his own, but that he had received them for their use. By this time his intercourse with gentlemen of the law became more considerable than it had been before. When first attacked for presents, he never denied the receipt of them, or pretended to say they were for

for publick purposes; but upon looking more into the covenants, and probably with better legal advice, he found, that no money could be legally received for his own use; but as these bribes were directly given and received, as for his own use, yet (says he) there was an inward destination of them in my own mind to your benefit, and to your benefit have I applied them.

Now here is a new system of bribery, contrary to law, very ingenious in the contrivance, but, I believe, as unlikely to produce its intended effect upon the mind of man, as any pretence, that was ever used. Here Mr. Hastings changes his ground. Before, he was accused as a peculator; he did not deny the fact; he did not refund the money; he fought it off, he stood upon the defensive, and used all the means in his power to prevent the inquiry. That was the first era of his corruption, a bold, ferocious, plain, downright use of power. In the second, he is grown a little more careful and guarded, the effect of subtilty. He appears no longer as a defendant, he holds himself up with a firm, dignified, and erect countenance, and says, I am not here any longer as a delinquent, a receiver of bribes, to be punished for what I have done wrong, or at least to suffer in my character for it. No, I am a great inventive genius, who have

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gone out of all the ordinary roads of finance, have made great discoveries in the unknown regions of that science, and have for the first time established the corruption of the supreme Magistrate as a principle of resource for Government.

There are crimes, undoubtedly, of great magnitude, naturally fitted to create horrour, and that loudly call for punishment, that have yet no idea of *turpitude* annexed to them; but unclean hands, bribery, venality and peculation are offences of turpitude, such as, in a governour, at once debase the person, and degrade the government itself, making it not only *horrible*, but vile and contemptible in the eyes of all mankind. In this humiliation and abjectness of guilt, he comes here, not as a criminal on his defence, but as a vast fertile genius, who has made astonishing discoveries in the art of government;—"*Dicam insigne, recens, alio indictum ore*"—who by his flaming zeal and the prolifick ardour and energy of his mind has boldly dashed out of the common path, and served his country by new and untrodden ways; and now he generously communicates for the benefit of all future governours, and all future governments, the grand arcanum of his long and toilsome researches. He is the first, but if we do not take good care, he will not be the last, that has established the corruption of the supreme

preme Magistrate among the settled resources of the state; and he leaves this principle as a bountiful donation, as the richest deposit, that ever was made in the treasury of Bengal. He claims glory and renown from that, by which every other person since the beginning of time has been dishonoured and disgraced. It has been said of an ambassadour, that he is a person employed to tell lies for the advantage of the court, that sends him. His is patriotick bribery, and public-spirited corruption. He is a peculator for the good of his country. It has been said, that private vices are publick benefits. He goes the full length of that position, and turns his private peculation into a publick good. This is what you are to thank him for. You are to consider him as a great inventor upon this occasion. Mr. Hastings improves on this principle. He is a robber in gross, and a thief in detail; he steals, he filches, he plunders, he oppresses, he extorts—all for the good of the dear East India Company,—all for the advantage of his honoured masters the proprietors—all in gratitude to the dear perfidious Court of Directors, who have been in a practice to heap "insults on his person, slanders on his character, and indignities on his station; who never had the confidence in him, that they had in the meanest of his predecessors."

If you sanction this practice, if, after all you have

have exacted from the people by your taxes and publick imposts, you are to let loose your servants upon them to extort by bribery and peculation what they can from them, for the purpose of applying it to the publick service only whenever they please,—this shocking consequence will follow from it. If your governour is discovered in taking a bribe, he will say, What is that to you? mind your business, I intend it for the publick service. The man, who dares to accuse him, loses the favour of the Governour General, and the India Company. They will say, the Governour has been doing a meritorious action, extorting bribes for our benefit, and you have the impudence to think of prosecuting him. So that the moment the bribe is detected, it is instantly turned into a merit; and we shall prove, that this is the case with Mr. Hastings, whenever a bribe has been discovered.

I am now to inform your Lordships, that, when he made these great discoveries to the Court of Directors, he never tells them who gave him the money; upon what occasion he received it; by what hands; or to what purposes he applied it.

When he can himself give no account of his motives, and even declares, that he cannot assign any cause, I am authorized and required to find motives for him—corrupt motives for a corrupt

act. There is no one capital act of his administration, that did not strongly imply corruption. When a man is known to be free from all imputation of taking money, and it becomes an established part of his character, the errours, or even crimes, of his administration ought to be, and are in general, traced to other sources. You know it is a maxim. But once convict a man of bribery in any instance, and once by direct evidence, and you are furnished with a rule of irresistible presumption, that every other irregular act, by which unlawful gain may arise, is done upon the same corrupt motive. *Semel malus præsumitur semper malus.* As for good acts candour, charity, justice, oblige me not to assign evil motives, unless they serve some scandalous purpose, or terminate in some manifest evil end, so justice, reason and common sense compel me to suppose, that wicked acts have been done upon motives correspondent to their nature. Otherwise I reverse all the principles of judgment, which can guide the human mind, and accept even the symptoms, the marks and criteria, of guilt, as presumptions of innocence. One, that confounds good and evil, is an enemy to the good!

His conduct upon these occasions may be thought irrational. But, thank God, guilt was never a rational thing, it distorts all the faculties of

of the mind, it perverts them, it leaves a man no longer in the free use of his reason; it puts him into confusion. He has recourse to such miserable and absurd expedients for covering his guilt, as all those, who are used to sit in the seat of judgment, know have been the cause of detection of half the villanies in the world. To argue, that these could not be his reasons, because they were not wise, sound and substantial, would be to suppose what is not true, that bad men were always discreet and able. But I can very well from the circumstances discover motives, which may affect a giddy, superficial, shattered, guilty, anxious, restless mind, full of the weak resources of fraud, craft and intrigue, that might induce him to make these discoveries, and to make them in the manner he has done. Not rational, and well-fitted for their purposes, I am very ready to admit. For God forbid, that guilt should ever leave a man the free undisturbed use of his faculties. For as guilt never rose from a true use of our rational faculties, so it is very frequently subversive of them. God forbid, that prudence, the first of all the virtues, as well as the supreme director of them all, should ever be employed in the service of any of the vices.—No, it takes the lead, and is never found where justice does not accompany it; and, if ever it is attempted to bring it into

the service of the vices, it immediately subverts their cause. It tends to their discovery, and, I hope and trust, finally to their utter ruin and destruction.

In the first place I am to remark to your Lordships, that the accounts he has given of one of these sums of money are totally false and contradictory. Now there is not a stronger presumption, nor can one want more reason, to judge a transaction fraudulent, than that the accounts given of it are contradictory; and he has given three accounts utterly irreconcileable with each other. He is asked, How came you to take bonds for this money, if it was not your own? How came you to vitiate and corrupt the state of the Company's records, and to state yourself a lender to the Company, when in reality you was their debtor? His answer was, I really cannot tell; I have forgot my reasons; the distance of time is so great (namely, a time of about two years or not so long), I cannot give an account of the matter; perhaps I had this motive, perhaps I had another; (but what is the most curious,) perhaps I had none at all, which I can now recollect. You shall hear the account, which Mr. Hastings himself gives, his own fraudulent representation of these corrupt transactions. "For my motives for withholding "the several receipts from the knowledge of the

"Council,

" Council, or of the Court of Directors, and " for taking bonds for part of these sums, and " paying others into the treasury as deposits on " my own account, I have generally accounted " in my letter to the honourable the Court of " Directors of the 22d of May 1782, namely, " that I either chose to conceal the first receipts " from publick curiosity by receiving bonds for " the amount, or possibly acted without any " studied design, which my memory, at that " distance of time, could verify; and that I did " not think it worth my care to observe the " same means with the rest. It will not be " expected, that I should be able to give " a more correct explanation of my intentions " after a lapse of three years, having declared " at the time, that many particulars had escaped " my remembrance; neither shall I attempt to " add more than the clearer affirmation of the " facts implied in that report of them, and such " inferences, as necessarily, or with a strong " probability, follow them."

My Lords, you see, as to any direct explanation, that he fairly gives it up: he has used artifice and stratagem, which he knows will not do; and at last attempts to cover the treachery of his conduct by the treachery of his memory. Frequent applications were made to Mr. Hastings upon this article from the Company—gentle

hints, *gemitus columbæ*—rather little amorous complaints, that he was not more open and communicative; but all these gentle insinuations were never able to draw from him any further account till he came to England. When he came here, he left not only his memory, but all his notes and references, behind in India. When in India, the Company could get no account of them, because he himself was not in England; and when he was in England, they could get no account, because his papers were in India. He then sends over to Mr. Larkins to give that account of his affairs, which he was not able to give himself. Observe, here is a man taking money privately, corruptly, and which was to be sanctified by the future application of it, taking false securities to cover it; and who when called upon to tell whom he got the money from, for what ends, and on what occasion, neither will tell in India, nor can tell in England, but sends for such an account as he has thought proper to furnish.

I am now to bring before you an account of what I think much the most serious part of the effects of his system of bribery, corruption and peculation. My Lords, I am to state to you the astonishing and almost incredible means he made use of to lay all the country under contribution, to bring the whole into such dejection as

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should put his bribes out of the way of discovery. Such another example of boldness and contrivance I believe the world cannot furnish.

I have already shown amongst the mass of his corruptions, that he let the whole of the lands to farm to the Banyans. Next, that he sold the whole Mahommedan government of that country to a woman. This was bold enough, one should think; but without entering into the circumstances of the revenue change in 1772, I am to tell your Lordships, that he had appointed six provincial Councils, each consisting of many members, who had the ordinary administration of civil justice in that country, and the whole business of the collection of the revenues.

These provincial Councils, accounted to the Governour General and Council, who in the revenue department had the whole management, control, and regulation of the revenue. Mr Hastings did in several papers to the Court of Directors declare, that the establishment of these provincial Councils, which at first he stated only as experimental, had proved useful in the experiment. And on that use, and upon that experiment, he had sent even the plan of an Act of Parliament to have it confirmed with the last and most sacred authority of this country. The Court of Directors desired, that if he thought any other method more proper, he would send it to them for their approbation.

Thus the whole face of the British government, the whole of its order and constitution, remained from 1772 to 1781.—He had got rid sometime before this period, by death, of General Clavering; by death, of Colonel Monson; and by vexation and persecution, and his consequent dereliction of authority, he had shaken off Mr. Francis. The whole Council consisting only of himself and Mr. Wheler, he, having the casting vote, was in effect the whole Council; and if ever there was a time, when principle, decency, and decorum rendered it improper for him to do any extraordinary acts without the sanction of the Court of Directors, that was the time.—Mr. Wheler was taken off; despair perhaps rendering the man, who had been in opposition futilely before, compliable. The man is dead. He certainly did not oppose him; if he had, it would have been in vain. But those very circumstances, which rendered it atrocious in Mr. Hastings to make any change, induced him to make this.—He thought, that a moment's time was not to be lost, that other colleagues might come where he might be overpowered by a majority again, and not able to pursue his corrupt plans. Therefore he was resolved—your Lordships will remark the whole of this most daring and systematick plan of bribery and peculation,—he resolved to put it out of the power of his Council in future to check or control him in any of his evil practices.

The

The first thing he did was to form an ostensible Council at Calcutta, for the management of the revenues, which was not effectually bound, except it thought fit, to make any reference to the supreme Council. He delegated to them—that his, to four covenanted servants—those functions, which by Act of Parliament and the Company's orders were to be exercised by the Council General; he delegated to four gentlemen, creatures of his own, his own powers, but he laid them out to good interest. It appears odd, that one of the first acts of a Governour General, so jealous of his power as he is known to be, as soon as he had all the power in his own hands, should be to put all the revenues out of his own control. This upon the first view is an extraordinary proceeding. His next step was, without apprizing the Court of Directors of his intention, or without having given an idea of any such intention to his colleagues while alive, either those, who died in India, or those who afterwards returned to Europe, in one day, in a moment, to annihilate the whole authority of the provincial Councils, and delegate the whole power to these four gentlemen. These four gentlemen had for their secretary an agent given them by Mr. Hastings; a name, that you will often hear of—a name, at the sound of which all India turns pale—the most wicked—

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the most atrocious—the boldest—the most dexterous villain, that ever the rank servitude of that country has produced. My Lords, I am speaking with the most assured freedom, because there never was a friend of Mr. Hastings, there never was a foe of Mr. Hastings, there never was any human person, that ever differed on this occasion, or expressed any other idea of Gunga Govin Sing, the friend of Mr. Hastings, whom he intrusted with this important post. But you shall hear, from the account given by themselves, what the Council thought of their functions, of their efficiency for the charge, and in whose hands that efficiency really was. I beg, hope, and trust, that your Lordships will learn from the persons themselves, who were appointed to execute the office, their opinion of the real execution of it, in order that you may judge of the plan, for which he destroyed the whole English administration in India. "The com-
" mittee must have a Dewan, or executive
" officer, call him by what name you please.
" This man in fact has all the revenue, paid at
" the Presidency, at his disposal, and can, if he
" has any abilities, bring all the renters under
" contribution. It is little advantage to restrain
" the committee themselves from bribery or
" corruption, when their executive officer has
" the power of practising both undetected.

" To

"To display the arts employed by a native "on such occasions would fill a volume. He "discovers the secret resources of the Zemin- "dars and renters, their enemies and compe- "titors; and by the engines of hope and fear, "raised upon these foundations, he can work "them to his purpose. The committee, with "the best intentions, best abilities, and steadiest "application, must after all be a tool in the "hands of their Dewan."

Your Lordships see what the opinion of the Council was of their own constitution. You see for what it was made. You see for what purposes the great revenue trust was taken from the Council General, from the supreme government. You see for what purposes the executive power was destroyed. You have it from one of the gentlemen of this commission, at first four in number, and afterwards five, who was the most active efficient member of it. You see it was made for the purpose of being a tool in the hands of Gunga Govin Sing; that integrity, ability, and vigilance, could avail nothing; that the whole country might be laid under contribution by this man, and that he could thus practise bribery with impunity. Thus, your Lordships see, the delegation of all the authority of the country, above and below, is given by Mr. Hastings to this Gunga Govin Sing.

The

The screen, the veil spread before this transaction, is torn open by the very people themselves, who are the tools in it. They confess they can do nothing; they know they are instruments in the hands of Gunga Govin Sing; and Mr. Hastings uses his name and authority to make them such in the hands of the basest, the wickedest, the corruptest, the most audacious and atrocious villian ever heard of. It is to him all the English authority is sacrificed, and four gentlemen are appointed to be his tools and instruments.—Tools and instruments for what? They themselves state, that, if he has the inclination, he has the power and ability to lay the whole country under contribution; that he enters into the most minute secrets of every individual in it, gets into the bottom of their family affairs, and has a power totally to subvert and destroy them; and we shall show upon that head, that he well fulfilled the purposes, for which he was appointed. Did Mr. Hastings pretend to say, that he destroyed the provincial Councils for their corruptness or insufficiency, when he dissolved them? No—he says he has no objection to their competency, no charge to make against their conduct, but that he has destroyed them for his new arrangement. And what is his new arrangement? Gunga Govin Sing. 'Forty English gentlemen were

were removed from their offices by that change. Mr. Hastings did it, however, very economically; for all these gentlemen were instantly put upon pensions, and consequently burdened the establishment with a new charge. Well, but the new Council was formed and constituted upon a very economical principle also. These five gentlemen, you will have it in proof, with the necessary expenses of their office, were a charge of 62,000*l.* a year upon the establishment. But for great, eminent, capital services, 62,000*l.* though a much larger sum than what was thought fit to be allowed for the members of the supreme Council itself, may be admitted. I will pass it. It shall be granted to Mr. Hastings, that these pensions, though they created a new burden on the establishment, were all well disposed, provided the Council did their duty. But you have heard what they say themselves—they are not there put to do any duty, they can do no duty, their abilities, their integrity avail them nothing, they are tools in the hands of Gunga Govin Sing. Mr. Hastings then has loaded the revenue with 62,000*l.* a year to make Gunga Govin Sing master of the kingdom of Bengal, Bahar and Orissa. What must the thing to be moved be, when the machinery, when the necessary tools for Gunga Govin Sing, have cost 62,000*l.* a year to the Company? There it is—it is not

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my representation—not the representation of observant strangers, of good and decent people, that understand the nature of that service, but the opinion of the tools themselves.

Now, did Mr. Hastings employ Gunga Govin Sing without a knowledge of his character? His character was known to Mr. Hastings; it was recorded long before, when he was turned out of another office. During my long residence, says he, in this country, this is the first time I heard of the character of Gunga Govin Sing being infamous. No information I have received, though I have heard *many* people speak ill of him, ever pointed to any particular *act* of infamy committed by Gunga Govin Sing. I have no intimate knowledge of Gunga Govin Sing. What I understand of his character has been from Europeans as well as natives. After—"He had many enemies at the time he was "proposed to be employed in the Company's "service, and not *one advocate* among the "natives who had immediate access to myself. "I think, therefore, if his character had been "such as has been described, the knowledge "of it could hardly have failed to have been "ascertained to me by the *specific* facts. I "have heard him loaded, as I have many others, "with general reproaches, but have never "heard any one express a doubt *of his abilities.*"

Now,

Now, if any thing in the world should induce you to put the whole trust of the revenues of Bengal, both above and below, into the hands of a single man, and to delegate to him the whole jurisdiction of the country, it must be, that he either was, or at least was reputed to be, a man of integrity. Mr. Hastings does not pretend, that he is reputed to be a man of integrity. He knew, that he was not able to contradict the charge brought against him; and that he had been turned out of office by his colleagues, for reasons assigned upon record, and approved by the Directors, for malversation in office. He had, indeed, crept again into the Calcutta Committee; and they were upon the point of turning him out for malversation, when Mr. Hastings saved them the trouble by turning out the whole committee, consisting of a president and five members. So that in all times, in all characters, in all places, he stood as a man of a bad character and evil repute, though supposed to be a man of great abilities.

My Lords, permit me for one moment to drop my representative character here, and to speak to your Lordships only as a man of some experience in the world, and conversant with the affairs of men, and with the characters of men.

I do then declare my conviction, and wish it

it may stand recorded to posterity, that there never was a *bad man*, that had ability for *good service*. It is not in the nature of such men; their minds are so distorted to selfish purposes, to knavish, artificial, and crafty means of accomplishing those selfish ends, that, if put to any good service, they are poor, dull, helpless. Their natural faculties never have that direction, —they are paralytick on that side;—the muscles, if I may use the expression, that ought to move it, are all dead. They know nothing, but how to pursue selfish ends by wicked and indirect means. No man ever knowingly employed a bad man on account of his abilities, but for evil ends. Mr. Hastings knew this man to be bad; all the world knew him to be bad; and how did he employ him? in such a manner as that he might be controlled by others? A great deal might be said for him, if this had been the case. There might be circumstances, in which such a man might be used in a subordinate capacity. But who ever thought of putting such a man virtually in possession of the whole authority both of the Committee and the Council General, and of the revenues of the whole country?

As soon as we find Gunga Govin Sing here, we find him employed in the way, in which he was meant to be employed; that is to say, we find

find him employed in taking corrupt bribes and corrupt presents for Mr. Hastings. Though the Committee were tools in his hands, he was a tool in the hands of Mr. Hastings; for he had, as we shall prove, constant, uniform, and close communications with Mr. Hastings. And, indeed, we may be saved a good deal of the trouble of proof; for Mr. Hastings himself, by acknowledging him to be his bribe broker, has pretty well authenticated a secret correspondence between them. For the next great bribe, as yet discovered to be taken by Mr. Hastings, about the time of his great operation of 1781, was the bribe of 40,000*l.*, which we charge to have been privately taken from one of two persons, but from which is not yet ascertained, but paid to him through this flagitious black agent of his iniquities, Gunga Govin Sing. The discovery is made by another agent of his, called Mr. Larkins, one of his white bribe confidants, and by him made accountant general to the supreme presidency. For this sum, so clandestinely and corruptly taken, he received a bond to himself, on his own account, as for money lent to the Company. For, upon the frequent, pressing, tender solicitations of the Court of Directors, always insinuated to him in a very delicate manner, Mr. Hastings had written to Mr. Larkins to find out, if he could, some of his own

bribes; and accordingly Mr. Larkins sent over an account of various bribes; an account, which, even before it comes directly in evidence before you, it will be pleasant to your Lordships to read. In this account, under the head *Dinagepore, No.* 1; I find, "*Duplicate Copy of the particulars of debts, in which the component parts of sundry sums received on the account of the Honourable Company of Merchants trading to the East Indies, were received by Mr. Hastings, and paid to the Sub-Treasurer.*" We find here, *Dinagepore peshcush, four lacks of rupees—cabuleat*, that is, an agreement to pay four lacks of rupees, of which three were received, and one remained in balance at the time this account was made out. All, that we can learn from this account, after all our researches, after all the Court of Directors could do to squeeze it out of him, is—that he received from Dinagepore, at twelve monthly payments, a sum of about three lacks of rupees, upon an engagement to pay him four;—that is, he received about 30,000*l.* out of 40,000*l.* which was to be paid him; and we are told, that he received this sum through the hands of Gunga Govin Sing; and that he was exceedingly angry with Gunga Govin Sing for having kept back or defrauded him of the sum of 10,000*l.* out of the 40,000*l.* To keep back from him the fourth part of the whole bribe

was

was very reprehensible behaviour in Gunga Govin Sing, certainly very unworthy of the great and high trust, which Mr. Hastings reposed in his integrity. My Lords, this letter tells us, Mr. Hastings was much irritated at Gunga Govin Sing. You will hereafter see how Mr. Hastings behaves to persons, against whom he is irritated for their frauds upon him in their joint concerns. In the mean time Gunga Govin Sing rests with you as a person, with whom Mr. Hastings is displeased on account of infidelity in the honourable trust of bribe-undertaker and manager.

My, Lords, you are not very much enlightened, I believe, by seeing these words *Dinagepore peshcush.* We find a province, we find a sum of money, we find an agent, and we find a receiver. The *Province* is *Dinagepore*, the *agent* is *Gunga Govin Sing*, the *sum* agreed on is 40,000 *l.*, and the *receiver* of a part of that is *Mr. Hastings.* This is all that can be seen. Who it was, that gave this sum of money to Mr. Hastings in this manner, does no way appear; it is *murder by persons unknown:* and this is the way, in which Mr. Hastings, after all the reiterated solicitations of Parliament, of the Company, and the publick, has left the account of this bribe.

Let us, however, now see what was the state of transactions at Dinagepore at that period.

For, if Mr. Hastings, in the transactions at that period, did any thing for that country, it must be presumed this money was given for those acts; for Mr. Hastings confesses it was a sum of money corruptly received, but honestly applied. It does not signify much, at first view, from whom he received it; it is enough to fix upon him, that he did receive it. But because the consequences of his bribes make the main part of what I intend to bring before your Lordships, I shall beg to state to you, with your indulgence, what I have been able to discover by a very close investigation of the records respecting this business of Dinagepore.

Dinagepore, Rungpore and Edrackpore make a country, I believe, pretty nearly as large as all the northern counties of England, Yorkshire included; it is no mean country, and it has a prince of great, ancient, illustrious descent at the head of it, called the Rajah of Dinagepore.

I find, that, about the month of July 1780, the Rajah of Dinagepore after a long and lingering illness died, leaving an half brother and an adopted son. A litigation respecting the succession instantly arose in the family; and this litigation was of course referred to, and was finally to be decided by, the Governour General in Council,—being the ultimate authority, to which the decision of all these questions was to be

be referred. This cause came before Mr. Hastings, and I find, that he decided the question in favour of the adopted son of the Rajah against his half brother. I find, that upon that decision a rent was settled, and a peshcush, or fine, paid.—So that all, that is in this transaction, is fair and above-board; there is a dispute settled; there is a fine paid; there is a rent reserved to the Company; and the whole is a fair settlement. But I find along with it very extraordinary acts: for I find Mr. Hastings taking part in favour of the minor, agreeably to the principles of others, and contrary to his own. I find, that he gave the guardianship of this adopted son to the brother of the Rannee, as she is called, or the widow of the deceased Rajah; and though the hearing and settling of this business was actually a part of the duty of his office, yet I find, that, when the steward of the province of Dinagepore was coming down to represent this case to Mr. Hastings, Mr. Hastings, on pretence, that it would only tend to increase the family dissensions, so far from hearing fully all the parties in this business, not only sent him back, but ordered him to be actually turned out of his office. If then the 40,000*l.* be the same with the money taken from the Rajah in 1780, to which account it seems to refer (for it was taken in regular payments, beginning July 1780, and ending at

the same period in 1781,) it was a sum of money corruptly taken by him as a judge in a litigation of inheritance between two great parties. So that he received the sum of 40,000*l.* for a judgment; which, whether that judgment was right or wrong, true or false, he corruptly received.

This sum was received, as your Lordships will observe, through Gunga Govin Sing. He was the broker of the agreement; he was the person, who was to receive it by monthly instalments, and he was to pay it to Mr. Hastings.—His son was in the office of register general of the whole country, who had in his custody all the papers, documents, and every thing, which could tend to settle a litigation among the parties.

If Mr. Hastings took this bribe from the Rajah of Dinagepore, he took a bribe from an infant of five years old through the hands of the register. That is, the judge receives a bribe through the hands of the keeper of the genealogies of the family, the records, and other documents, which must have had the principal share in settling the question.

This history of this Dinagepore peshcush is the publick one received by the Company, and which is entered upon the record—but not the private, and probably the true, history of this corrupt transaction.

Very soon after this decision, very soon after this

this peshcush was given, we find all the officers of the young Rajah, who was supposed to have given it, turned out of their employment by Gunga Govin Sing, by the very man, who received the peshcush for Mr. Hastings. We find them all turned out of their employments; we find them all accused, without any appearance or trace in the records of any proof of embezzlement, of neglect in the education of the minor Rajah, of the mismanagement of his affairs, or the allotment of an unsuitable allowance. And accordingly to prevent the relations of his adopted mother—to prevent those, who might be supposed to have an immediate interest in the family, from abusing the trust of his education, and the trust of the management of his fortune, Gunga Govin Sing—(for I trust your Lordships would not suffer me, if I had a mind, to quote that tool of a thing the Committee of Revenue, bought at 62,000*l.* a year, you would not suffer me to name it, especially when you know all the secret agency of bribes in the hand of Gunga Govin Sing)—this Gunga Govin Sing produces soon after another character, to whom he consigns the custody of the whole family and the whole province.

I will do Mr. Hastings the justice to say, that, if he had known there was another man more accomplished in all iniquity than Gunga Govin

Sing, he would not have given him the first place in his confidence. But there is another next to him in the country, whom you are to hear of by and by, called Debi Sing. This person in the universal opinion of all Bengal is ranked next to Gunga Govin Sing; and, what is very curious, they have been recorded by Mr. Hastings as rivals in the same virtues.

- - - - - - - - - *Arcades ambo,*
Et cantare pares, et respondere parati.

But Mr. Hastings has the happiest modes in the world; these rivals were reconciled on this occasion, and Gunga Govin Sing appoints Debi Sing, superseding all the other officers for no reason whatever upon record. And because like champions they ought to go in pairs, there is an English gentleman, one Mr. Goodlad, whom you will hear of presently, appointed along with him. Absolute strangers to the Rajah's family, the first act they do is—to cut off 1,000 out of 1,600 a month from his allowance. They state (though there was a great number of dependants to maintain) that 600 would be enough to maintain him. There appears in the account of these proceedings to be such a flutter about the care of the Rajah, and the management of his household; in short, that there never was such a tender guardianship as, always with the knowledge of Mr. Hastings, is exercised over

over this poor Rajah, who had just given, if he did give, 40,000*l.* for *his own* inheritance, if it was his due—for the inheritance of *others*, if it was not his due. One would think he was entitled to some mercy; but probably, because the money could not otherwise be supplied, his establishment was cut down by Debi Sing and Mr. Goodlad a thousand a month, which is just twelve thousand a year.

When Mr. Hastings had appointed those persons to the guardianship, who had an interest in the management of the Rajah's education and fortune, one should have thought, before they were turned out, he would at least have examined whether such a step was proper or not. No, they were turned out, without any such examination; and when I come to inquire into the proceedings of Gunga Govin Sing's committee, I do not find, that the new guardians have brought to account one single shilling they received, appointed as they were by that council newly made to superintend all the affairs of the Rajah.

There is not one word to be found of an account: Debi Sing's honour, fidelity and disinterestedness, and that of Mr. Goodlad, is sufficient; and that is the way, in which the management and superintendence of one of the greatest houses in that country is given to the guardianship

guardianship of strangers. And how is it managed? we find Debi Sing in possession of the Rajah's family, in possession of his affairs, in the management of his whole zemindary; and in the course of the next year he is to give him in farm the whole of the revenues of these three provinces. Now whether the peshcush was received for the nomination of the Rajah, as a bribe in judgment, or whether Mr. Hastings got it from Debi Sing, as a bribe in office, for appointing him to the guardianship of a family, that did not belong to him, and for the dominion of three great, and once wealthy, provinces—which is best or worst I shall not pretend to determine. You find the Rajah in his possession, you find his education, his household in his possession. The publick revenues are in his possession; they are given over to him.

If we look at the records, the letting of these provinces appears to have been carried on by the new Committee of Revenue, as the course and order of business required it should. But by the investigation into Mr. Hastings's money transactions, the insufficiency and fallacy of these records is manifest beyond a doubt. From this investigation it is discovered, that it was in reality a bargain secretly struck between the Governour General and Debi Sing; and that the Committee were only employed in the mere official

official forms. From the time, that Mr. Hastings new modelled the revenue system, nothing is seen in its true shape. We now know, in spite of the fallacy of these records, who the true granter was; it will not be amiss to go a little further in supplying their defects, and to inquire a little concerning the grantee. This makes it necessary for me to inform your Lordships who Debi Sing is.

[*Mr. Burke read the Committee's recommendation of Debi Sing to the Governour General and Council: but the copy of the paper alluded to is wanting.*]

* * * * *

Here is a choice, here is Debi Sing presented for his knowledge in business, his trust and fidelity; and that he is a person, against whom no objection can be made. This is presented to Mr. Hastings, by him recorded in the council books, and by him transmitted to the Court of Directors. Mr. Hastings has since recorded, that he knew this Debi Sing, (though he here publickly authorizes the nomination of him to all that great body of trusts) that he knew him to be a man completely capable of the most atrocious iniquities, that were ever charged upon man.

man. Debi Sing is appointed to all those great trusts through the means of Gunga Govin Sing, from whom he (Mr. Hastings) had received 30,000*l.* as a part of a bribe.

Now though it is a large field, though it is a thing, that, I must confess, I feel a reluctance almost in venturing to undertake, exhausted as I am, yet such is the magnitude of the affair, such the evil consequences, that followed from a system of bribery, such the horrible consequences of superseding all the persons in office in the country to give it into the hands of Debi Sing, that though it is the publick opinion, and though no man, that has ever heard the name of Debi Sing, does not know, that he was only second to Gunga Govin Sing, yet it is not to my purpose, unless I prove, that Mr. Hastings knew his character at the very time he accepts him as a person, against whom no exception could be made.

It is necessary to inform your Lordships who this Debi Sing was, to whom these great trusts were committed, and those great provinces given.

It may be thought, and not unnaturally, that in this sort of corrupt and venal appointment to high trust and office Mr. Hastings has no other consideration than the money he received. But whoever thinks so will be deceived. Mr. Has-

tings

tings was very far from indifferent to the character of the persons he dealt with. On the contrary, he made a most careful selection; he had a very scrupulous regard to the aptitude of the men for the purposes, for which he employed them; and was much guided by his experience of their conduct in those offices, which had been sold to them upon former occasions.

Except Gunga Govin Sing (whom, as justice required, Mr. Hastings distinguished by the highest marks of his confidence,) there was not a man in Bengal, perhaps not upon earth, a match for this Debi Sing. He was not an unknown subject; not one rashly taken up as an experiment. He was a tried man; and if there had been one more desperately and abandonedly corrupt, more wildly and flagitiously oppressive, to be found unemployed in India, large as his offers were, Mr. Hastings would not have taken this money from Debi Sing.

Debi Sing was one of those, who in the early stages of the English power in Bengal attached himself to those natives, who then stood high in office. He courted Mahomed Reza Khân, a musselman of the highest rank, of the tribe of Koreish, whom I have already mentioned, then at the head of the revenue, and now at the head of the criminal justice of Bengal, with all the supple assiduity, of which those, who

possess

possess no valuable art or useful talent, are commonly complete masters. Possessing large funds acquired by his apprenticeship and novitiate in the lowest frauds, he was enabled to lend to this then powerful man, in the several emergencies of his variable fortune, very large sums of money. This great man had been brought down by Mr. Hastings, under the orders of the Court of Directors, upon a cruel charge to Calcutta. He was accused of many crimes, and acquitted 220,000 *l.* in debt. That is to say, as soon as he was a great debtor, he ceased to be a great criminal.

Debi Sing obtained by his services no slight influence over Mahomed Reza Khân, a person of a character very different from his.

From that connexion he was appointed to the farm of the revenue, and inclusively of the government of Purnea, a province of very great extent, and then in a state of no inconsiderable opulence. In this office he exerted his talents with so much vigour and industry, that in a very short time the province was half depopulated, and totally ruined.

The farm, on the expiration of his lease, was taken by a set of adventurers in this kind of traffick from Calcutta. But when the new undertakers came to survey the object of their future operations, and future profits, they were

so

so shocked at the hideous and squalid scenes of misery and desolation, that glared upon them in every quarter, that they instantly fled out of the country, and thought themselves but too happy to be permitted, on the payment of a penalty of twelve thousand pounds, to be released from their engagements.

To give in a few words as clear an idea, as I am able to give, of the immense volume, which might be composed of the vexations, violence, and rapine of that tyrannical administration, the territorial revenue of Purnea, which had been let to Debi Sing at the rate of 160,000*l.* sterling a year, was with difficulty leased for a yearly sum under 90,000*l.* and with all rigour of exaction produced in effect little more than 60,000*l.* falling greatly below one half of its original estimate.—So entirely did the administration of Debi Sing exhaust all the resources of the province; so totally did his baleful influence blast the very hope and spring of all future revenue.

The administration of Debi Sing was too notoriously destructive not to cause a general clamour. It was impossible, that it should be passed over without animadversion. Accordingly, in the month of September 1772, Mr. Hastings then at the head of the Committee of Circuit removed him for mal-administration; and he has since publickly declared on record, that he knew

him

him to be capable of all the most horrid and atrocious crimes, that can be imputed to man.

This brand, however, was only a mark for Mr. Hastings to find him out hereafter in the crowd; to identify him for his own; and to call him forth into action, when his virtues should be sufficiently matured for the services, in which he afterwards employed him through his instruments Mr. Anderson and Gunga Govin Sing. In the mean time he left Debi Sing to the direction of his own good genius. . . .

Debi Sing was stigmatized in the Company's records, his reputation was gone, but his funds were safe. In the arrangement made by Mr. Hastings in the year 1773, by which provincial councils were formed, Debi Sing became deputy steward, or secretary, (soon in effect and influence principal steward) to the provincial council of Moorshedabad, the seat of the old government, and the first province of the kingdom; and to his charge were committed various extensive and populous provinces, yielding an annual revenue of 120 lacks of rupees, or 1,500,000*l.* This division of provincial council, included Rungpore, Edrackpore, and others, where he obtained such a knowledge of their resources, as subsequently to get possession of them.

Debi Sing found this administration composed mostly

mostly of young men, dissipated and fond of pleasure, as is usual at that time of life; but desirous of reconciling those pleasures, which usually consume wealth, with the means of making a great and speedy fortune; at once eager candidates for opulence, and perfect novices in all the roads, that lead to it. Debi Sing commiserated their youth and inexperience, and took upon him to be their guide.

There is a revenue in that country, raised by a tax more productive than laudable. It is an imposition on publick prostitutes, a duty upon the societies of dancing girls; those seminaries, from which Mr. Hastings has selected an administrator of justice and governour of kingdoms. Debi Sing thought it expedient to farm this tax; not only because he neglected no sort of gain, but because he regarded it as no contemptible means of power and influence. Accordingly, in plain terms, he opened a legal brothel, out of which he carefully reserved (you may be sure) the very flower of his collection for the entertainment of his young superiours; ladies recommended not only by personal merit, but according to the Eastern custom, by sweet and enticing names, which he had given them. For, if they were to be translated, they would sound,—Riches of my Life; Wealth of my Soul; Treasure of Perfection; Diamond of Splendour; Pearl of Price; Ruby of Pure Blood, and other meta-

phorical descriptions, that, calling up dissonant passions to enhance the value of the general harmony, heightened the attractions of love with the allurements of avarice. A moving seraglio of these ladies always attended his progress, and were always brought to the splendid and multiplied entertainments, with which he regaled his council. In these festivities, whilst his guests were engaged with the seductions of beauty, the intoxications of the most delicious wines of France, and the voluptuous vapour of perfumed India smoke, uniting the vivid satisfactions of Europe with the torpid blandishments of Asia, the great magician himself, chaste in the midst of dissoluteness, sober in the centre of debauch, vigilant in the lap of negligence and oblivion, attended with an eagle's eye the moment for thrusting in business, and at such times was able to carry without difficulty points of shameful enormity, which at other hours he would not so much as have dared to mention to his employers, young men rather careless and inexperienced than intentionally corrupt. Not satisfied with being pander to their pleasures, he anticipated, and was purveyor to, their wants, and supplied them with a constant command of money; and by these means he reigned with an uncontrolled dominion over the province and over its governours.

For you are to understand, that in many things we

we are very much misinformed with regard to the true seat of power in India. Whilst we were proudly calling India a British government, it was in substance a government of the lowest, basest, and most flagitious of the native rabble; to whom the far greater part of the English, who figured in employment and station, had from their earliest youth been slaves and instruments. Banyans had anticipated the period of their power in premature advances of money; and have ever after obtained the entire dominion over their nominal masters.

By these various ways and means Debi Sing contrived to add job to job, employment to employment, and to hold, besides the farms of two very considerable districts, various trusts in the revenue; sometimes openly appearing; sometimes hid two or three deep in false names; emerging into light, or shrowding himself in darkness, as successful, or defeated crimes rendered him bold or cautious. Every one of these trusts was marked with its own fraud; and for one of those frauds committed by him in another name, by which he became deeply in balance to the revenue he was publickly whipped by *proxy*.

All this while Mr. Hastings kept his eye upon him, and attended to his progress. But, as he rose in Mr. Hastings's opinion, he fell in that of

his immediate employers. By degrees, as reason prevailed, and the fumes of pleasure evaporated, the provincial council emerged from their first dependence; and, finding nothing but infamy attending the councils and services of such a man, resolved to dismiss him. In this strait, and crisis of his power, the artist turned himself into all shapes. He offered great sums individually; he offered them collectively; and at last put a carte blanche on the table—All to no purpose! What are you stones?—Have I not men to deal with?—Will flesh and blood refuse me?

When Debi Sing found, that the council had entirely escaped, and were proof against his offers, he left them with a sullen and menacing silence. He applied where he had good intelligence, that these offers would be well received; and that he should at once be revenged of the council, and obtain all the ends, which through them he had sought in vain.

Without hesitation or scruple Mr. Hastings sold a set of innocent officers; sold his fellow servants of the Company, entitled by every duty to his protection; sold English subjects, recommended by every tie of national sympathy; sold the honour of the British Government itself; without charge, without complaint, without allegation of crime in conduct, or of insufficiency

in

in talents; he sold them to the most known and abandoned character, which the rank servitude of that clime produces. For *him*, he entirely broke and quashed the council of Moorshedabad, which had been the settled government for twelve years, (a long period in the changeful history of India,) at a time too when it had acquired a great degree of consistency, an official experience, a knowledge and habit of business, and was making full amends for early errours.

For now Mr. Hastings, having buried Colonel Monson and General Clavering, and having shaken off Mr. Francis, who retired half dead from office, began at length to respire; he found elbow room once more to display his genuine nature and disposition, and to make amends in a riot and debauch of peculation for the forced abstinence, to which he was reduced during the usurped dominion of honour and integrity.

It was not enough, that the English were thus sacrificed to the revenge of Debi Sing. It was necessary to deliver over the natives to his avarice. By the intervention of bribe brokerage he united the two great rivals in iniquity, who before from an emulation of crimes were enemies to each other, Gunga Govin Sing, and Debi Sing. He negotiated the bribe and the farm of the latter through the former; and Debi Sing was invested in farm for two years with the three pro-

vinces of Dinagepore, Edrackpore, and Rungpore; territories, making together a tract of land superiour in dimensions to the northern counties of England, Yorkshire included.

To prevent any thing, which might prove an obstacle on the full swing of his genius, he removed all the restraints, which had been framed to give an ostensible credit, to give some show of official order, to the plans of revenue administration framed from time to time in Bengal. An officer, called a dewan, had been established in the provinces, expressly as a check on the person, who should act as farmer general. This office he conferred along with that of farmer general on Debi Sing, in order that Debi might become an effectual check upon Sing; and thus these provinces, without inspection, without control, without law, and without magistrates, were delivered over by Mr. Hastings, bound hand and foot, to the discretion of the man, whom he had before recorded as the destroyer of Purnea; and capable of every the most atrocious wickedness, that could be imputed to man.

Fatally for the natives of India, every wild project and every corrupt sale of Mr. Hastings, and those, whose example he followed, is covered with a pretended increase of revenue to the Company. Mr. Hastings would not pocket

his

his bribe of 40,000*l.* for himself without letting the Company in as a sharer and accomplice. For the province of Rungpore, the object, to which I mean in this instance to confine your attention, 7,000*l.* a year was added. But lest this avowed increase of rent should seem to lead to oppression, great and religious care was taken in the covenant, so stipulated with Debi Sing, that *this* increase should not arise from any additional assessment whatsoever on the country, but solely from improvements in the cultivation, and the encouragement to be given to the land-holder and husbandman. But as Mr. Hastings's bribe, of a far greater sum, was not guarded by any such provision, it was left to the discretion of the donor in what manner he was to indemnify himself for it.

Debi Sing fixed the seat of his authority at Dinagepore, where as soon as he arrived, he did not lose a moment in doing his duty. If Mr. Hastings can forget his covenant, you may easily believe, that Debi Sing had not a more correct memory; and, accordingly, as soon as he came into the province, he instantly broke every covenant, which he had entered into, as a restraint on his avarice, rapacity and tyranny; which, from the highest of the nobility and gentry to the lowest husbandmen, were afterwards exercised, with a stern and unrelenting

impartiality, upon the whole people. For notwithstanding the province before Debi Sing's lease was, from various causes, in a state of declension, and in balance for the revenue of the preceding year, at his very first entrance into office he forced from the zemindars or landed gentry an enormous increase of their tribute. They refused compliance. On this refusal he threw the whole body of zemindars into prison; and thus in bonds and fetters compelled them to sign their own ruin by an increase of rent, which they knew they could never realize.

Having thus gotten them under, he added exaction to exaction, so that every day announced some new and varied demand; until exhausted by these oppressions they were brought to the extremity, to which he meant to drive them, the sale of their lands.

The lands held by the zemindars of that country are of many descriptions. The first and most general are those, that pay revenue. The others are of the nature of demesne lands, which are free and pay no rent to government. The latter are for the immediate support of the zeminders and their families, as from the former they derive their influence, authority, and the means of upholding their dignity. The lands of the former description were immediately attached, sequestered and sold for the most trifling

trifling consideration. The rent-free lands, the best and richest lands of the whole province were sold—sold for—what do your Lordships think? —They were sold for less than one year's purchase,—at less than one year's purchase, at the most underrated value; so that the fee simple of an English acre of rent-free land sold at the rate of seven or eight shillings. Such a sale on such terms strongly indicated the purchaser. And how did it turn out in fact? The purchaser was the very agent and instrument of Mr. Hastings, Debi Sing himself. He made the exaction; he forced the sale; he reduced the rate; and he became the purchaser at less than one year's purchase, and paid with the very money, which he had extorted from the miserable venders.

When he had thus sold and separated these lands, he united the whole body of them, amounting to about 7,000*l.* sterling a year (but according to the rate of money and living in that country equivalent to a rental in England of 30,000*l.* a year;) and then having raised in the new letting, as on the sale he had fraudulently reduced, those lands, he reserved them as an estate for himself, or to whomsoever resembling himself Mr. Hastings should order them to be disposed.

The lands, thus sold for next to nothing, left

of

of course the late landholder still in debt. The failure of fund, the rigorous exaction of debt, and the multiplication of new arbitrary taxes next carried off the goods. There is a circumstance attending this business, which will call for your Lordships' pity. Most of the landholders or zemindars in that country happened at that time to be women. The sex there is in a state certainly resembling imprisonment, but guarded as a sacred treasure with all possible attention and respect. None of the coarse male hands of the law can reach them; but they have a custom very cautiously used in all good governments there of employing female bailiffs, or sergeants, in the execution of the law, where that sex is concerned. Guards, therefore, surrounded the houses; and then female sergeants and bailiffs entered into the habitations of these female zemindars, and held their goods and persons in execution, nothing being left but, what was daily threatened, their life and honour. The landholders, even women of eminent rank and condition, for such the greatest part of the zemindars then were, fled from the ancient seats of their ancestors, and left their miserable followers and servants, who in that country are infinitely numerous, without protection, and without bread. The monthly instalment of Mr. Hastings's bribe was become due, and his rapacity

rapacity must be fed from the vitals of the people.

The zemindars, before their own flight, had the mortification to see all the lands assigned to charitable and to religious uses, the humane and pious foundations of themselves and their ancestors, made to support infirmity and decrepitude, to give feet to the lame, and eyes to the blind, and to effect which they had deprived themselves of many of the enjoyments of life, cruelly sequestered and sold at the same market of violence and fraud, where their demesne possessions and their goods had been before made away with. Even the lands and funds set aside for their funeral ceremonies, in which they hoped to find an end to their miseries, and some indemnity of imagination for all the substantial sufferings of their lives: even the very feeble consolations of death were by the same rigid hand of tyranny, a tyranny more consuming than the funeral pile, more greedy than the grave, and more inexorable than death itself, seized and taken to make good the honour of corruption, and the faith of bribery pledged to Mr. Hastings or his instruments.

Thus it fared with the better and middling orders of the people. Were the lower, the more industrious spared?—Alas! as their situation was far more helpless, their oppression was infinitely

finitely more sore and grievous; the exactions yet more excessive, the demand yet more vexatious, more capricious, more arbitrary. To afford your Lordships some idea of the condition of those, who were served up to satisfy Mr. Hastings's hunger and thirst for bribes, I shall read it to you in the very words of the representative tyrant himself, Rajah Debi Sing. Debi Sing, when he was charged with a fraudulent sale of the ornaments of gold and silver of women, who according to the modes of that country had starved themselves to decorate their unhappy persons, argued on the improbability of this part of the charge, in these very words:

"It is notorious," says he, "that poverty "generally prevails amongst the husbandmen "of Rungpore, more perhaps than in any other "parts of the country. They are seldom pos- "sessed of any property except at the time "they reap their harvest; and at others barely "procure their subsistence. And this is the "cause, that such numbers of them were swept "away by the famine. Their effects are only "a little earthenware, and their houses only a "handful of straw; the sale of *a thousand* of "which would not perhaps produce twenty "shillings."

These were the opulent people, from whose superfluities Mr. Hastings was to obtain a gift of 40,000*l.*

40,000*l.* over and above a large increase of rent, over and above the exactions, by which the farmer must reimburse himself for the advance of the money, by which he must obtain the natural profit of the farm, as well as supply the peculium of his own avarice.

Therefore your Lordships will not be surprised at the consequences. All this unhappy race of little farmers, and tillers of the soil, were driven like a herd of cattle by his extortioners, and compelled by imprisonments, by fetters, and by cruel whippings, to engage for more than the whole of their substance or possible acquisition.

Over and above this there was no mode of extortion, which the inventive imagination of rapacity could contrive, that was not contrived and was not put in practice. On its own day your Lordships will hear with astonishment, detestation and horrour, the detail of these tyrannous inventions; and it will appear, that the aggregate of these superadded demands amounted to as great a sum as the whole of the compulsory rent, on which they were piled.

The country being in many parts left wholly waste, and in all parts considerably depopulated by the first rigours, the full rate of the district was exacted from the miserable survivers. Their burdens were increased, as their fellow labourers,

bourers, to whose joint efforts they were to owe the means of payment, diminished. Driven to make payments, beyond all possible calculation, previous to receipts and above their means, in a very short time they fell into the hands of usurers.

The usurers, who under such a government held their own funds by a precarious tenure, and were to lend to those, whose substance was still more precarious, (to the natural hardness and austerity of that race of men) had additional motives to extortion, and made their terms accordingly. And what were the terms these poor people were obliged to consent to, to answer the bribes and peshcush paid to Mr. Hastings? five, ten, twenty, forty per cent? No! at an interest of six hundred per cent. per annum, payable by the day! A tiller of land to pay six hundred per cent. to discharge the demands of government! What exhaustless fund of opulence could supply this destructive resource of wretchedness and misery? Accordingly the husbandman ground to powder between the usurer below and the oppressor above, the whole crop of the country was forced at once to market; and the market glutted, overcharged and suffocated, the price of grain fell to the fifth part of its usual value. The crop was then gone, but the debt remained. An universal treasury

extent,

extent, and process of execution, followed on the cattle and stock, and was enforced, with more or less rigour, in every quarter. We have it in evidence, that in those sales five cows were sold for not more than seven or eight shillings. All other things were depreciated in the same proportion. The sale of the instruments of husbandry succeeded to that of the corn and stock. Instances there are, where, all other things failing, the farmers were dragged from the court to their houses, in order to see them first plundered, and then burnt down before their faces. It was not a rigorous collection of revenue, it was a savage war made upon the country.

The peasants were left little else than their families and their bodies. The families were disposed of. It is a known observation, that those, who have the fewest of all other worldly enjoyments, are the most tenderly attached to their children and wives. The most tender of parents sold their children at market. The most fondly jealous of husbands sold their wives. The tyranny of Mr. Hastings extinguished every sentiment of father, son, brother, and husband!

I come now to the last stage of their miseries: every thing visible and vendible was seized and sold. Nothing but the bodies remained.

It is the nature of tyranny and rapacity never to

to learn moderation from the ill success of first oppressions; on the contrary, all oppressors, all men thinking highly of the methods dictated by their nature, attribute the frustration of their desires to the want of sufficient rigour. Then they redouble the efforts of their impotent cruelty; which producing, as they must ever produce, new disappointments, they grow irritated against the objects of their rapacity; and then rage, fury and malice, (implacable because unprovoked) recruiting and reinforcing their avarice, their vices are no longer human. From cruel men they are transformed into savage beasts, with no other vestiges of reason left but what serves to furnish the inventions and refinements of ferocious subtlety for purposes, of which beasts are incapable, and at which fiends would blush.

Debi Sing and his instruments suspected, and in a few cases they suspected justly, that the country people had purloined from their own estates, and had hidden in secret places in the circumjacent deserts, some small reserve of their own grain to maintain themselves during the unproductive months of the year, and to leave some hope for a future season. But the under tyrants knew, that the demands of Mr. Hastings would admit no plea for delay, much less for subtraction of his bribe, and that he would not abate a shilling of it to the wants of the whole human

human race. These hoards, real or supposed, not being discovered by menaces and imprisonment, they fell upon the last resource, the naked bodies of the people. And here, my Lords, began such a scene of cruelties and tortures, as I believe no history has ever presented to the indignation of the world; such as I am sure, in the most barbarous ages, no politick tyranny, no fanatick persecution has ever yet exceeded. Mr. Paterson, the commissioner appointed to inquire into the state of the country, makes his own apology and mine for opening this scene of horrours to you in the following words: "That the punishments, inflicted upon the Ryotts both of Rungpore and Dinagepore for non-payment, were in many instances of such a nature, that I would rather wish to draw a veil over them, than shock your feelings by the detail. But that however disagreeable the task may be to myself, it is absolutely necessary for the sake of justice, humanity, and the honour of government, that they should be exposed, to be prevented in future."

My Lords, they began by winding cords round the fingers of the unhappy freeholders of those provinces, until they clung to and were almost incorporated with one another; and then they hammered wedges of iron between them, until, regardless of the cries of the sufferers, they had

bruised to pieces and for ever crippled those poor, honest, innocent, laborious hands, which had never been raised to their mouths, but with a penurious and scanty proportion of the fruits of their own soil; but those fruits (denied to the wants of their own children) have for more than fifteen years past furnished the investment for our trade with China, and been sent annually out, and without recompence, to purchase for us that delicate meal, with which your Lordships, and all this auditory, and all this country have begun every day for these fifteen years at their expense. To those beneficent hands, that labour for our benefit, the return of the British government has been cords, and hammers, and wedges. But there is a place where these crippled and disabled hands will act with resistless power. What is it, that they will not pull down, when they are lifted to heaven against their oppressors? Then what can withstand such hands? Can the power, that crushed and destroyed them? Powerful in prayer, let us at least deprecate, and thus endeavour to secure ourselves from, the vengeance, which these mashed and disabled hands may pull down upon us, My Lords, it is an awful consideration. Let us think of it.

But to pursue this melancholy but necessary detail. I am next to open to your Lordships, what

what I am hereafter to prove, that the most substantial and leading yeomen, the responsible farmers, the parochial magistrates, and chiefs of villages, were tied two and two by the legs together; and their tormentors, throwing them with their heads downwards over a bar, beat them on the soles of the feet with ratans, until the nails fell from the toes; and then attacking them at their heads, as they hung downward, as before at their feet, they beat them with sticks and other instruments of blind fury, until the blood gushed out at their eyes, mouths, and noses.

Not thinking, that the ordinary whips and cudgels, even so administered, were sufficient, to others (and often also to the same, who had suffered as I have stated), they applied, instead of ratan and bamboo, whips made of the branches of the Bale tree; a tree full of sharp and strong thorns, which tear the skin and lacerate the flesh far worse than ordinary scourges.

For others, exploring with a searching and inquisitive malice, stimulated by an insatiate rapacity, all the devious paths of nature for whatever is most unfriendly to man, they made rods of a plant highly caustick and poisonous, called *Bechettea*, every wound of which festers and gangrenes, adds double and treble to the present torture, leaves a crust of leprous sores

upon the body, and often ends in the destruction of life itself.

At night, these poor innocent sufferers, these martyrs of avarice and extortion, were brought into dungeons; and in the season when nature takes refuge in insensibility from all the miseries and cares, which wait on life, they were three times scourged, and made to reckon the watches of the night by periods and intervals of torment. They were then led out in the severe depth of winter, which there at certain seasons would be severe to any, to the Indians is most severe and almost intolerable,—they were led out before break of day, and, stiff and sore as they were with the bruises and wounds of the night, were plunged into water; and whilst their jaws clung together with the cold, and their bodies were rendered infinitely more sensible, the blows and stripes were renewed upon their backs; and then, delivering them over to soldiers, they were sent into their farms and villages to discover where a few handfuls of grain might be found concealed, or to extract some loan from the remnants of compassion and courage not subdued in those, who had reason to fear, that their own turn of torment would be next, that they should succeed them in the same punishment, and that their very humanity, being taken as a proof of their wealth, would subject them (as it did in many

many cases subject them) to the same inhuman tortures. After this circuit of the day through their plundered and ruined villages, they were remanded at night to the same prison; whipped, as before, at their return to the dungeon; and at morning whipped at their leaving it; and then sent as before to purchase, by begging in the day, the reiteration of the torture in the night. Days of menace, insult and extortion;—nights of bolts, fetters, and flagellation succeeded to each other in the same round, and for a long time made up all the vicissitude of life to these miserable people.

But there are persons, whose fortitude could bear their own suffering; there are men, who are hardened by their very pains; and the mind, strengthened even by the torments of the body, rises with a strong defiance against its oppressor. They were assaulted on the side of their sympathy. Children were scourged almost to death in the presence of their parents. This was not enough. The son and father were bound close together, face to face, and body to body, and in that situation cruelly lashed together, so that the blow, which escaped the father, fell upon the son, and the blow, which missed the son, wound over the back of the parent. The circumstances were combined by so subtle a cruelty, that every stroke, which did not excruciate the sense,

should wound and lacerate the sentiments and affections of nature.

On the same principle, and for the same ends, virgins, who had never seen the sun, were dragged from the inmost sanctuaries of their houses; and in the open court of justice, in the very place where security was to be sought against all wrong and all violence, (but where no judge or lawful magistrate had long sat, but in their place the ruffians and hangmen of Warren Hastings occupied the bench,) these virgins, vainly invoking heaven and earth, in the presence of their parents, and whilst their shrieks were mingled with the indignant cries and groans of all the people, publickly were violated by the lowest and wickedest of the human race. Wives were torn from the arms of their husbands, and suffered the same flagitious wrongs, which were indeed hid in the bottoms of the dungeons, in which their honour and their liberty were buried together. Often they were taken out of the refuge of this consoling gloom, stripped naked, and thus exposed to the world, and then cruelly scourged; and in order that cruelty might riot in all the circumstances, that melt into tenderness the fiercest natures, the nipples of their breasts were put between the sharp and elastick sides of cleft bamboos. Here, in my hand, is my authority; for otherwise one would think it incredible.

But

But it did not end there. Growing from crime to crime, ripened by cruelty for cruelty, these fiends, at length outraging sex, decency, nature, applied lighted torches and slow fire—(I cannot proceed for shame and horrour!) these infernal furies planted death in the source of life, and where that modesty, which, more than reason, distinguishes men from beasts, retires from the view, and even shrinks from the expression, there they exercised and glutted their unnatural, monstrous, and nefarious cruelty,—there, where the reverence of nature, and the sanctity of justice, dares not to pursue, nor venture to describe their practices.

These, my Lords, were sufferings, which we feel all in common, in India and in England, by the general sympathy of our common nature. But there were in that province (sold to the tormentors by Mr. Hastings,) things done, which, from the peculiar manners of India, were even worse than all I have laid before you; as the dominion of manners, and the law of opinion, contribute more to their happiness and misery than any thing in mere sensitive nature can do.

The women thus treated lost their cast. My Lords, we are not here to commend or blame the institutions and prejudices of a whole race of people, radicated in them by a long succession of ages, on which no reason or argument, on

which no vicissitudes of things, no mixtures of men, or foreign conquest, have been able to make the smallest impression. The aboriginal Gentû inhabitants are all dispersed into tribes or casts; each cast born to an invariable rank, rights, and descriptions of employment; so that one cast cannot by any means pass into another. With the Gentûs certain impurities or disgraces, though without any guilt of the party, infer loss of cast; and when the highest cast, that of Brahmin, which is not only noble but sacred, is lost, the person, who loses it, does not slide down into one lower but reputable—he is wholly driven from all honest society. All the relations of life are at once dissolved. His parents are no longer his parents; his wife is no longer his wife; his children, no longer his, are no longer to regard him as their father. It is something far worse than complete outlawry, complete attainder, and universal excommunication. It is a pollution even to touch him; and if he touches any of his old cast, they are justified in putting him to death. Contagion, leprosy, plague, are not so much shunned. No honest occupation can be followed. He becomes an *Halichore*; if (which is rare) he survives that miserable degradation.

Upon those, whom all the shocking catalogue of tortures I have mentioned could not make to flinch,

flinch, one of the modes of losing cast for Brahmins, and other principal tribes, was practised. It was, to harness a bullock at the court door, and to put the Brahmin on his back, and to lead him through the towns, with drums beating before him. To intimidate others, this bullock, with drums, the instrument according to their ideas of outrage, disgrace, and utter loss of cast, was led through the country; and, as it advanced, the country fled before it. When any Brahmin was seized he was threatened with this pillory, and for the most part he submitted in a moment to whatever was ordered. What it was may be thence judged. But when no possibility existed of complying with the demand, the people by their cries sometimes prevailed on the tyrants to have it commuted for cruel scourging, which was accepted as mercy. To some Brahmins this mercy was denied, and the act of indelible infamy executed. Of these men one came to the Company's commissioner with the tale, and ended with these melancholy words,—"I have suffered this indig-"nity; my cast is lost; my life is a burden to "me; I call for justice." He called in vain.

Your Lordships will not wonder, that these monstrous and oppressive demands, exacted with such tortures, threw the whole province into despair. They abandoned their crops on the ground.

ground. The people, in a body, would have fled out of its confines; but bands of soldiers invested the avenues of the province, and, making a line of circumvallation, drove back those wretches, who sought exile as a relief, into the prison of their native soil. Not suffered to quit the district, they fled to the many wild thickets, which oppression had scattered through it, and sought amongst the jungles, and dens of tygers, a refuge from the tyranny of Warren Hastings. Not able long to exist here, pressed at once by wild beasts and famine, the same despair drove them back; and seeking their last resource in arms, the most quiet, the most passive, the most timid of the human race, rose up in an universal insurrection; and, what will always happen in popular tumults, the effects of the fury of the people fell on the meaner and sometimes the reluctant instruments of the tyranny, who in several places were massacred. The insurrection began in Rungpore, and soon spread its fire to the neighbouring provinces, which had been harassed by the same person with the same oppressions. The English Chief in that province had been the silent witness, most probably the abettor and accomplice, of all these horrours. He called in first irregular, and then regular, troops, who by dreadful and universal military execution got the better of the impotent

impotent resistance of unarmed and undisciplined despair. I am tired with the detail of the cruelties of peace. I spare you those of a cruel and inhuman war, and of the executions, which, without law or process, or even the shadow of authority, were ordered by the English Revenue Chief in that province.

In our Indian government, whatever grievance is born is denied to exist; and all mute despair, and sullen patience, is construed into content and satisfaction. But this general insurrection, which at every moment threatened to blaze out afresh, and to involve all the provinces in its flames, rent in pieces that veil of fraud and mystery, that covers all the miseries of all the provinces. Calcutta rung with it; and it was feared it would go to England. The English Chief in the province, Mr. Goodlad, represented it to Mr. Hastings's Revenue Committee to be (what it was) the greatest and most serious disturbance, that ever happened in Bengal. But, good easy man, he was utterly unable to guess to what cause it was to be attributed. He thought there was some irregularity in the collection; but on the whole judged, that it had little other cause than a general conspiracy of the husbandmen and landholders, who, as Debi Sing's lease was near expiring, had determined not to pay any more revenue.

Mr.

Mr. Hastings's Committee of Revenue, whilst these wounds were yet bleeding, and whilst a total failure was threatened in the rents of these provinces, thought themselves obliged to make an inquiry, with some sort of appearance of seriousness, into the causes of it. They looked therefore about them carefully, and chose, what they judged would be most plausible and least effective. They thought, that it was necessary to send a special Commissioner into the province; and one, too, whose character would not instantly blast the credit of his mission. They cast their eyes on a Mr. Paterson, a servant of the Company, a man of fair character, and long standing in the service. Mr. Paterson was a person known to be of a very cool temper, placid manners, moderate and middle opinions, unconnected with parties: and from such a character they looked for (what sometimes is to be expected from it) a compromising, balanced, neutralized, equivocal, colourless, confused report; in which the blame was to be impartially divided between the sufferer and the oppressor; and in which, according to the standing manners of Bengal, he would recommend oblivion as the best remedy; and would end by remarking, that retrospect could have no advantage, and could serve only to irritate and keep alive animosities: and, by this kind of equitable, candid, and judge-like proceeding,

proceeding, they hoped the whole complaint would calmly fade away; the sufferers remain in the possession of their patience, and the tyrant of his plunder. In confidence of this event from this presumed character, Mr. Hastings's Committee, in appointing Mr. Paterson their Commissioner, were not deficient in arming him with powers equal to the object of his commission. He was enabled to call before him all accountants, to compel the production of all accounts, to examine all persons; not only to inquire and to report, but to decide and to redress.

'Such is the imperfection of human wisdom,' that the Committee totally failed in their well-laid project. They were totally mistaken in their man. Under that cold outside the Commissioner Paterson concealed a firm, manly, and fixed principle; a deciding intellect, and a feeling heart. My Lords, he is the son of a gentleman of a venerable age and excellent character in this country, who long filled the seat of Chairman of the Committee of Supply in the House of Commons, and who is now enjoying repose from his long labours in an honourable age. The son, as soon as he was appointed to this Commission, was awed by, and dreaded, the consequences. He knew to what temptation he should be exposed, from the known character of Debi Sing, to suppress or to misrepresent facts. He, therefore,

fore, took out a letter he had from his father, which letter was the preservation of his character, and destruction of his fortune. This letter he always resorted to in all trying exigencies of his life. He laid the letter before him, and there was enjoined such a line of integrity, of incorruptness, of bearing every degree of persecution rather than disguising truth, that he went up into the country in a proper frame of mind for doing his duty.

He went to Rungpore strongly impressed with a sense of the great trust, that was placed in him; and he had not the least reason to doubt of full support in the execution of it; as he, with every other white man in Bengal, probably, and every black, except two, was ignorant of the fact, that the Governour General, under whose delegated authority he was sent, had been bribed by the Farmer General of those provinces, and had sold them to his discretion for a great sum of money. If Paterson had known this fact, no human consideration would have induced him, or any other man of common prudence, to undertake an inquiry into the conduct of Debi Sing. Pity, my Lords, the condition of an honest servant in Bengal.

But Paterson was ignorant of this dark transaction, and went simply to perform a duty. He had hardly set his foot in the province, when the universal,

universal, unquestioned, uncontradicted testimony of the whole people, concurring with the manifest evidence of things, which could not lie; with the face of an utterly ruined, undone, depopulated country, and saved from literal and exceptionless depopulation only by the exhibition of scattered bands of wild, naked, meagre, half famished wretches, who rent heaven with their cries and howlings, left him no sort of doubt of the real cause of the late tumults. In his first letters, he conveyed his sentiments to the Committee with these memorable words, —"In my two Reports, I have set forth, in a general manner, the oppressions, which provoked the ryotts to rise. I shall, therefore, not enumerate them now. Every day of my inquiry serves but to confirm the facts. The wonder would have been, if they had not risen: it was not collection, but real robbery, aggravated by corporal punishment, and every insult of disgrace; and this, not confined to a few, but extended over every individual. Let the mind of man be ever so much inured to servitude, still there is a point where oppressions will rouse it to resistance. Conceive to yourselves, what must be the situation of a ryott, when he sees every thing he has in the world seized, to answer an exaggerated demand, and sold at so low a price, as not to answer one half of that demand: when

when he finds himself so far from being released, that he remains still subject to corporal punishment. But, what must be his feelings, when his tyrant, seeing that kind of severity of no avail, adds family disgrace and loss of cast. You, gentlemen, who know the reserve of the natives in whatever concerns their women, and their attachment to their casts, must allow the full effect of these prejudices under such circumstances."

He, however, proceeded with steadiness and method; and in spite of every discouragement, which could be thrown in his way by the power, craft, fraud and corruption of the Farmer General Debi Sing, by the collusion of the provincial chief, and by the decay of support from his employers, which gradually faded away, and forsook him, as his occasions for it increased. Under all these, and under many more discouragements and difficulties, he made a series of able, clear, and well-digested Reports, attended with such evidence as never before, and, I believe, never will again appear, of the internal provincial administration of Bengal; of evils universally understood, which no one was ever so absurd as to contradict, and whose existence was never denied, except in those places where they ought to be rectified, although none before Paterson had the courage to display the particulars.

ticulars. By these Reports, carefully collated with the evidence, I have been enabled to lay before you some of the effects, in one province and part of another, of Governour Hastings's general system of bribery.

But now appeared, in the most striking light, the good policy of Mr. Hastings's system of 1780, in placing this screen of a Committee between him and his crimes. The Committee had their lesson. Whilst Paterson is left collecting his evidence, and casting up his accounts in Rungpore, Debi Sing is called up, in seeming wrath, to the capital; where he is received as those, who have robbed and desolated provinces, and filled their coffers with seven hundred thousand pounds sterling, have been usually received at Calcutta, and sometimes in Great Britain. Debi Sing made good his ground in Calcutta, and when he had well prepared his Committee, in due time Paterson returns, appears, and reports.

Persons, even less informed than your Lordships, are well apprized, that all officers, representing government, and making, in that character, an authorized inquiry, are entitled to a presumptive credit for all their proceedings, and that their reports of facts (where there is no evidence of corruption or malice) are in the first instance to be taken for truth, especially by those, who have authorized the inquiry; and

it is their duty to put the burden of proof to the contrary on those, who would impeach or shake the report.

Other principles of policy, and other rules of government, and other maxims of office prevailed in the Committee of Mr. Hastings's devising. In order to destroy that just and natural credit of the officer, and the protection and support they were bound to afford him, they in an instant shift and reverse all the relations, in which the parties stood.

This Executive Board, instituted for the protection of the revenue and of the people, and which was no court of justice in fact or name, turned their own representative officer, reporting facts according to his duty, into a voluntary accuser, who is to make good his charge at his peril. The Farmer General, whose conduct was not criminally attacked, but appeared as one of the grounds of a publick inquiry, is turned into a culprit before a court of justice, against whom every thing is to be juridically made out or not admitted: and the members of an Executive Board, by usurpation and fraud, erect themselves into judges, bound to proceed by strict rules of law.

By this infamous juggle they took away, as far as in them lay, the credit due to the proceedings of government. They changed the natural situation

situation of proofs. They rejected the depositions of Paterson's witnesses, as not on oath, though they had never ordered or authorized them so to be taken.

They went further, and disabled, in a body, all the deponents themselves, whether on oath or not on oath, by discrediting the whole province, as a set of criminals, who gave evidence to palliate their own rebellion. They administered interrogatories to the commissioner instead of the culprit. They took a base fellow, whom they had themselves ordered their commissioner to imprison for crimes (crimes, charged on him, not by the commissioner, but by themselves,) and made him a complainant and a witness against him in the stupidest and most improbable of all accusations;—namely, that Paterson had menaced him with punishment, if he did not, in so many words, slander and calumniate Debi Sing: and then the Committee, seating this wretch as an assessor at their own Board, who a few days before would have trembled like a whipped slave at the look of an European, encouraged him to interrogate their own commissioner.

[Note.—*Here* Mr. Burke *was taken ill, and obliged to sit down. After some time* Mr. Burke *again addressed the House.*]

My Lords, I am sorry to break the attention of your Lordships in such a way. It is a subject, that agitates me. It is long, difficult and arduous; but, with the blessing of God, if I can, to save you any further trouble, I will go through it this day.

I am to tell your Lordships, that the next step they took was, after putting Mr. Paterson as an accuser to make good a charge, which he made out but too much to their satisfaction, they changed their battery.

[Note.—Mr. Burke's *illness increased, upon which the House, on the motion of His Royal Highness the Prince of Wales adjourned.*]

TRIAL

OF

WARREN HASTINGS, ESQ.

SIXTH DAY, FEBRUARY 19th, 1788.

(MR. BURKE.)

MY LORDS,

IN any great undertaking a failure in the midst of it, even from infirmity, though to be regarded principally as a misfortune, is attended with some slight shadow of disgrace; but your Lordships' humanity, and your love of justice, have remedied every thing, and I therefore proceed with confidence this day.

My Lords, I think (to the best of my remembrance) the House adjourned at the period of time, in which I was endeavouring to illustrate the mischiefs, that happened from Mr. Hastings's throwing off his responsibility by delegating his power to a nominal council, and in eality to a black bad man, a native of the country, of the worst character, that could be found in it; and the consequence of it, in preventing the detection and the punishment of the grossest

abuses, that ever were known to be committed in India, or any other part of the world.

My Lords, I stated to you, that Mr. Commissioner Paterson was sent into that country. I stated, that he was sent into it with all the authority of government, with power to hear, and not only to hear and to report, but to redress the grievances, which he should find in the country. In short, there was nothing wanting to his power but an honest support. Your Lordships will be convinced, that the road to fortune was easy to him. Debi Sing for a favourable report would have given a large sum of money. Your Lordships will be convinced, that the Committee would not have received such a report as a proof of bribery. They would rather consider him as a man, whose conduct tended to conciliate, and to soften troublesome and difficult matters, and to settle the order of government as soon as possible.

Some of the things contained in his reports I have taken the liberty of laying before your Lordships, but very faintly, very imperfectly, and far short of my materials. I have stated, that the criminal, against whom the commissioner had made his report, instead of being punished by that strong hand of power, which Mr. Hastings has thought proper to use upon other occasions, when he has endeavoured to make princes,

or persons in the rank and with the attributes of sovereign princes, feel, whenever they have incurred his private resentments; that this man was put into every situation of offence, or defence, which the most litigious and prevaricating laws, that ever were invented in the very bosom of arbitrary power, could afford him, or by which peculation and power were to be screened from the cries of an oppressed people.

Mr. Paterson, I stated, from being a commissioner directed to report, under the authority of government, to that government, was considered as a voluntary accuser, obliged to make good the articles of his charge. But, I believe, I stated, that he did not long remain in that condition.

I shall now proceed to state to your Lordships, that this Debi Sing, fortified by this protection, which was extended even to the lowest of his instruments, thought it high time to assume the superiority, that belonged to a personage, who had the Governour General for his *pensioner*. No longer the sneaking tone of apology;—no longer the modest allegations, that the commissioner was misinformed;—he boldly accuses the representative of English Government of forgery in order to destroy him; he criminates and recriminates, and lays about him without mercy.

Things were now in a proper train;—the Committee find the cause growing and ripening

to their wishes;—answers, replies, objections, and interrogatories, accounts opposed to accounts,—balances now on the one side; now on the other.—Now debtor becomes creditor, and creditor debtor—until the proceedings were grown to the size of volumes, and the whole well fitted to perplex the most simple facts, and to darken the meridian sunshine of publick notoriety. They prepared a report for the Governour General and Council, suitable to the whole tenour of their proceedings. Here the man, whom they had employed and betrayed, appeared in a new character. Observe their course with him:—First, he was made a commissioner. Then, he was changed from a commissioner to be a voluntary accuser. He now undergoes another metamorphosis;—he appears as a culprit, before Mr. Hastings, on the accusation of the donor of Mr. Hastings's bribes. He is to answer to the accusations of Debi Sing. He is permitted to find materials for his own defence; and he, an old Company's servant is to acknowledge it as a favour to be again suffered to go into the province, without authority, without station, without publick character, under the discountenance and frowns, and in a manner under prosecution, of the government. As a favour, he is suffered to go again into Rungpore, in hopes of finding among the dejected, harassed

harassed, and enslaved race of Hindûs, and in that undone province, men bold enough to stand forward, against all temptations of emolument, and at the risk of their lives, with a firm adherence to their original charge; and, at a time, when they saw *him* an abandoned and persecuted private individual, whom they had just before looked upon as a protecting angel, carrying with him the whole power of a beneficent government, and whom they had applied to as a magistrate of high and sacred authority, to hear the complaints, and to redress the grievances of a whole people.

A new commission of junior servants was, at the same time, sent out to review and re-examine the cause, to inquire into the inquiry, to examine into the examination, to control the report, to be commissioners upon the commission of Mr. Paterson. Before these commissioners he was made to appear as an accused person, and was put upon his defence, but without the authority, and without the favour, which ought to go with an accused person for the purpose of enabling him to make out such defence.

These persons went down into that country; and after spending a long time in mere matters of form, found they could not do without a representative of Debi Sing, and accordingly they ordered Debi Sing to send up his Vakeel.

I forgot

I forgot to state to your Lordships, what the condition of Debi Sing was during this proceeding. This man had been ordered to Calcutta on two grounds; one, on the matter of his flagitious misconduct at Rungpore, and, the other, for a great failure in the payment of his stipulated revenue. Under this double accusation he was to be considered, according to the usual mode of proceeding in such cases, as a prisoner; and he was kept, not in the common gaol of Calcutta, not in the prison of the fort, not in that gaol, in which Rajah Nundcomar, who had been prime minister of the empire, was confined, but according to the mild ways of that country, where they choose to be mild, and the persons are protected by the official influence of power, under a free custody. He was put under a guard of Sepoys, but not confined to his house; he was permitted to go abroad, where he was daily in conference with those, who were to judge him; and having an address, which seldom fails, and a dexterity never wanting to, a man possessed of 700,000*l.* he converted this guard into a retinue of honour: their bayonets were lowered, their musquets laid aside; they attended him with their side arms, and many with silver verges in their hand, to mark him out rather as a great magistrate attended by a retinue, than a prisoner under guard.

When he was ordered to send a Vakeel to defend

defend his conduct, he refused to send him. Upon which the commissioners, instead of saying, "If you will not send your agent, we will pro-"ceed in our inquiry without him," (and indeed it was not made necessary by the commission, that he should be there either by Vakeel or otherwise,) condescendingly admitted his refusal, and suffered him to come up in person. He accordingly enters the province, attended with his guard, in the manner I have before mentioned, more as a person returning in triumph from a great victory, than as a man under the load of all those enormous charges, which I have stated. He enters the province in this manner; and Mr. Paterson, who saw himself lately the representative of the India Company (an old servant of the Company is a great man in that country,) was now left naked, destitute, without any mark of official situation or dignity. He was present, and saw all the marks of imprisonment turned into marks of respect and dignity to this consummate villain, whom I have the misfortune of being obliged to introduce to your Lordships' notice. Mr. Paterson, seeing the effect of the proceeding every where, seeing the minds of the people broken, subdued and prostrate under it, and that so far from having the means of detecting the villanies of this insolent criminal, appearing as a magistrate, he had not the means

of

of defending even his own innocence, because every kind of information fled and was annihilated before him, represented to these young commissioners, that this appearance of authority tended to strike terrour into the hearts of the natives, and to prevent his receiving justice. The Council of Calcutta took this representation into their deliberate consideration; they found, that it was true, that, if he had such an attendance any longer in this situation, (and a large attendance it was, such as the Chancellor of this kingdom, or the Speaker of the House of Commons, does not appear with,) it would have an evil appearance. On the other hand, say they, "*if he should be left under a guard, the people "would consider him as under disgrace.*" They therefore took a middle way, and ordered the guard not to attend him with fixed bayonets, which had the appearance of the custody of a prisoner, but to lower their musquets, and unfix their bayonets.

The next step of these Commissioners is to exclude Mr. Paterson from all their deliberations; and, in order that both parties might be put on an equality, one would naturally conclude, that the culprit Debi Sing was likewise excluded. Far from it; he sat upon the bench. Need I say any more upon this subject? The protection followed.

In

In this situation, Mr. Paterson wrote one of the most pathetick memorials, that ever was penned, to the Council of Calcutta, submitting to his hard fate, but standing inflexibly to his virtue, that brought it upon him. To do the man justice, he bore the whole of this persecution like an hero. He never tottered in his principles, nor swerved to the right, or to the left, from the noble cause of justice and humanity, in which he had been engaged; and when your Lordships come to see his memorials you will have reason to observe, that his abilities are answerable to the dignity of his cause, and make him worthy of every thing, that he had the honour to suffer for it.

To cut short the thread of this shocking series of corruption, oppression, fraud and chicanery, which lasted for upwards of four years; Paterson remains without employment:—The inhabitants of great provinces, whose substance and whose blood was sold by Mr. Hastings, remain without redress.—And the purchaser Debi Sing, that corrupt, iniquitous and bloody tyrant, instead of being proceeded against by the Committee in a civil suit for retribution to the sufferers, is handed over to the false semblance of a trial, on a criminal charge, before a Mahommedan judge,—an equal judge, however. The judge was Mahomed Reza Khân, his original patron,

patron, and the author of all his fortunes;—a judge, who depends on him, as a debtor depends upon his creditor. To that judge is he sent, without a distinct charge, without a prosecutor, and without evidence. The next ships will bring you an account of his honourable acquittal.

I have stated before, that I considered Mr. Hastings as responsible for the characters of the people he employed; doubly responsible, if he *knew* them to be bad. I, therefore, charge him with putting in situations, in which any evil may be committed, persons of known evil characters.

My Lords, I charge him, as chief governour, with destroying the institutions of the country, which were designed to be, and ought to have been, controls upon such a person as Debi Sing.

An officer, called Dewan or Steward of the country, had always been placed as a control on the farmer;—but that no such control should in fact exist,—that he, Debi Sing, should be let loose to rapine, slaughter and plunder in the country, both offices were conferred on him. Did Mr. Hastings vest these offices in him? No; but, if Mr. Hastings had kept firm to the duties, which the Act of Parliament appointed him to execute, all the revenue appointments must have been made by him: but, instead of making

making them himself, he appointed Gunga Govin Sing to make them; and for that appointment, and for the whole train of subordinate villany, which followed the placing iniquity in the chief seat of government, Mr. Hastings is answerable.—He is answerable, I say, first, for destroying his own legal capacity; and next, for destroying the legal capacity of the Council, not one of whom ever had, or could have, any true knowledge of the state of the country from the moment he buried it in the gulf of mystery, and of darkness, under that collected heap of villany, Gunga Govin Sing. From that moment he destroyed the power of government, and put every thing into his hands; for this he is answerable.

The provincial councils consisted of many members, who, though they might unite in some small iniquities perhaps, could not possibly have concealed from the publick eye the commission of such acts as these. Their very numbers, their natural competitions, the contentions, that must have arisen among them, must have put a check, at least, to such a business.

And, therefore, Mr. Hastings having destroyed every check and control above and below,—having delivered the whole into the hands of Gunga Govin Sing, for all the iniquities of Gunga Govin Sing he is responsible.

But

But he did not know Debi Sing, whom he employed. I read yesterday, and trust it is fresh in your Lordships' remembrance, that Debi Sing was presented to him by that set of tools, as they call themselves, who acted, as they themselves tell us they must act, entirely and implicitly under Gunga Govin Sing;—that is to say, by Gunga Govin Sing himself, the confidential agent of Mr. Hastings.

Mr. Hastings is further responsible, because he took a bribe of 40,000*l.* from some person in power in Dihagepore and Rungpore, the countries, which were ravaged in this manner, through the hands of Gunga Govin Sing,—through the medium of that very person, whom he had appointed to exercise all the authorities of the Supreme Council above, and of all subordinate Councils below. Having, therefore, thus appointed a council of tools in the hands of Gunga Govin Sing, at the expense of 62,000*l.* a year, to supersede all the English provincial authorities; having appointed them for the purpose of establishing a bribe factor general, a general receiver and agent of bribes, through all that country; Mr. Hastings is responsible for all the consequences of it.

I have thought it necessary, and absolutely necessary it is, to state what the consequence of this clandestine mode of supplying the Company's

pany's exigencies was. Your Lordships will see, that their exigencies are to be supplied by the ruin of the landed interest of a province, the destruction of the husbandmen, and the ruin of all the people in it. This is the consequence of a general bribe broker, an agent like Gunga Govin Sing, superseding all the powers and controls of government.

But Mr. Hastings has not only reduced bribery to a system of government practically, but theoretically. For when he despaired any longer of concealing his bribes from the penetrating eye of Parliament, then he took another mode, and declared, as your Lordships will see, that it was the best way of supplying the necessities of the East India Company in the pressing exigencies of their affairs; that thus a relief to the Company's affairs might be yielded, which in the common ostensible mode, and under the ordinary forms of government, and publickly, never would be yielded to them. So that bribery with him became a supplement to exaction.

The best way of showing, that a theoretical system is bad, is to show the practical mischiefs, that it produces; because a thing may look specious in theory, and yet be ruinous in practice; a thing may look evil in theory, and yet be in its practice excellent. Here a thing in theory,

stated by Mr. Hastings to be productive of much good, is in reality productive of all those horrible mischiefs I have stated. That Mr. Hastings well knew this, appears from an extract of the Bengal Revenue Consultations, 21st January 1785, a little before he came away.

Mr. Hastings says, "I entirely acquit Mr. "Goodlad of all the charges: he has disproved "them. It was the duty of the accuser to "prove them. Whatever crimes may be esta- "blished against Rajah Debi Sing, it does not "follow, that Mr. Goodlad was responsible for "them: and I so well know the character and "abilities of Rajah Debi Sing, that I can easily "conceive, that it was in his power both to "commit the enormities, which are laid to his "charge, and to conceal the grounds of them "from Mr. Goodlad, who had no authority but "that of receiving the accounts and rents of the "district from Rajah Debi Sing, and occasion- "ally to be the channel of communication "between him and the Committee."

We shall now see what things Mr. Hastings did, what course he was in, a little before his departure; with what propriety and consistency of character he has behaved from the year of the commencement of his corrupt system in 1773 to the end of it, when he closed it in 1785; when the bribes not only mounted the chariot, but

boarded

boarded the barge, and, as I shall show, followed him down to the Ganges, and even to the sea, and that he never quitted his system of iniquity; but that it survived his political life itself.

One of his last political acts was this:

Your Lordships will remember, that Mr. Goodlad was sent up into the country, whose conduct was terrible indeed: for that he could not be in place and authority in that country, and be innocent, while such things were doing, I shall prove; but that is not now my consideration.

The Governour General's minute, just read, is this, "I entirely acquit Mr. Goodlad of all "the charges; he has disproved them. It was "the duty of the accuser to prove them," (the accuser, namely, the commissioner.) "What, "ever crimes may be established against Rajah "Debi Sing, it does not follow, that Mr. "Goodlad was responsible for them; and I so "well know the character," &c. &c. &c.

Now your Lordships perceive he has acquitted Mr. Goodlad. He is clear. Be it, that he is fairly and conscientiously acquitted. But what is Mr. Hastings's account of Rajah Debi Sing? He is presented to him in 1781 by Gunga Govin Sing, as a person, against whose character there could be no exception, and by him accepted in that light. Upon the occasion

I have mentioned, Mr. Hastings's opinion of him is this; "I so well know the character and "abilities of Rajah Debi Sing, that I can easily "conceive, that it was in his power both to "commit the enormities, which are laid to his "charge, and to conceal the grounds of them "from Mr. Goodlad, who had no authority but "that of receiving the accounts and rents of the "district from Rajah Debi Sing, and occa-"sionally to be the channel of communication "between him and the Committee."

Thus your Lordships see what Mr. Hastings's opinion of Debi Sing was.—We shall prove it at another time by abundance of clear and demonstrative evidence, that whether he was bad or no (but we shall prove, that bad he was indeed) *even he* could hardly be so bad as he was in the opinion, which Mr. Hastings entertained of him; who, notwithstanding, now disowns this mock committee, instituted by himself, but, in reality, entirely managed by Gunga Govin Sing. This Debi Sing was accepted as an unexceptionable man; and yet Mr. Hastings knows both his power of doing mischief, and his artifice in concealing it. If, then, Mr. Goodlad is to be acquitted, does it not show the evil of Mr. Hastings's conduct in destroying those provincial councils, which, as I have already stated, were obliged to book every thing, to minute all

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the circumstances which came before them, together with all the consultations respecting them? He strikes at the whole system at once, and, instead of it, he leaves an Englishman under pretence of controlling Gunga Govin Sing's agent, appointed for the very purpose of giving him bribes, in a province, where Mr. Hastings says that agent had the power of committing such enormities, and which nobody doubts his disposition to commit.—He leaves him, I say, in such a state of inefficiency, that these iniquities could be concealed (though every one true) from the person appointed there to inspect his conduct!—What then could be his business there? was it only to receive such sums of money as Debi Sing might put into his hands, and which might have been easily sent to Calcutta? Was he to be of use as a communication between Debi Sing and the Committee, and in no other way? Here then we have that English authority, which Mr. Hastings left in the country: here the native authority which he settled, and the establishment of native iniquity in a regular system under Gunga Govin Sing: here the destruction of all English inspection. I hope I need say no more to prove to your Lordships, that this system, taken nakedly as it thus stands, founded in mystery and obscurity, founded for the very express purpose of conveying bribes, as the best mode

of collecting the revenue, and supplying the Company's exigencies through Gunga Govin Sing, would be iniquitous upon the face and the statement of it. But when your Lordships consider what horrid effects it produced, you will easily see what the mischief and abomination of Mr. Hastings's destroying these provincial councils, and protecting these persons, must necessarily be. If you had not known in theory, you must have seen it in practice.

But when both practice and theory concur, there can be no doubt, that a system of private bribery for a revenue, and of private agency for a constitutional government, must ruin the country, where it prevails; must disgrace the country, that uses it, and finally end in the destruction of the revenue. For what says Mr. Hastings? I was to have received 40,000*l.* in bribes, and 30,000*l.* was actually applied to the use of the Company. Now I hope I shall demonstrate, if not, it will be by some one abler than me demonstrated in the course of this business, that there never was a bribe received by Mr. Hastings, that was not instantly followed with a deficiency in the revenue; this is clear, and what we undertake to prove: and that Debi Sing himself was, at the time Mr. Hastings came away, between twenty and thirty thousand pounds debtor to the Company. So that in truth you always find a deficiency of revenue

nearly

nearly equal, and in some instances I shall show double, to all the bribes Mr. Hastings received; from whence it will be evident, that he never could, nor did, receive them under that absurd and strange idea of a resource to government.

I must re-state to your Lordships, because I wish you never to forget, that this Committee of Revenue was, in their own opinion, and from their own certain knowledge, and mere motion, if motion can be attributed originally to instruments, mere tools; that they knew, that they were tools in the hands of Gunga Govin Sing. There were two persons principal in it, Mr. Shore, who was the acting president, and Mr. Anderson, who was president in rank, and president in emolument, but absent for a great part of the time upon a foreign embassy. It is the recorded opinion of the former, for I must beg leave to read again a part of the paper, which has already been read to your Lordships, that "the Committee, with the best intentions, best "abilities, and steadiest application, must, after "all, be a tool in the hands of their Dewân."

Now do you believe in the first place, that men will long have abilities, will long have good intentions, and will long, above all, have steady application, when they know they are but tools in the hands of another? when they know they are tools for his own corrupt purposes?

In the next place I must beg leave to state to you, that on the constitution of this Committee Mr. Hastings made them all take a solemn oath, that they would never receive any present whatever. It was not enough to trust to a general covenant; it was not enough to trust to the penal act of 1773; he bound the Committee by a new oath, and forced them to declare, that they would not receive any bribes. As soon as he had so secured them against receiving bribes, he was resolved to make them inefficient,—a good way to secure them against bribes, by taking from them the power of bribe-worthy service. This was a good counter security to their oath. But Mr. Hastings put a Dewan there, against whom there was no security; he let loose this Dewan to frustrate their intentions, their application, their abilities and oath; that is, there was a person at that Board, who was more than the Board itself, who might riot in peculation and plunder from one end of the country to the other! He was there to receive bribes for Mr. Hastings; the Committee were to be pure; with impotent hands; and then came a person, with ample power for Mr. Hastings himself. And, lest this person should not have power enough in this Committee, he is made the general bribe broker to Mr. Hastings. This secret under-current, as your Lordships will

see,

see, is to counteract every thing; and, as fast as one part is rendered pure, totally to corrupt all the rest.

But, my Lords, this was not the private opinion of Mr. Shore only, a man of great abilities, and intimately acquainted with the revenue, who must know when he was in a situation to do good, and when not. The other gentleman, whom I have mentioned, Mr. Hastings's confidant in every thing but his bribes, and supposed to be in his closest secrets, is Mr. Anderson. I should remark to your Lordships, that Mr. Anderson is a man apparently of weak nerves, of modest and very guarded demeanour, as we have seen him in the House of Commons; it is in that way only I have the honour of knowing him. Mr. Anderson being asked, whether he agreed in the opinion and admitted the truth of his friend Mr. Shore's statement relative to the Dewan of the Committee, his answer was this—"I do not think, that I should have written it "quite so strong, but I do in a great measure "agree to it,—that is, I think there is a great "deal of truth in the observation; I think, in "particular, that it would require great exertion "in the Committee, and great abilities on the "part of the president, to restrain effectually the "conduct of the Dewan; I think it would be "difficult for the Committee to interpose a sufficient

"ficient control to guard against all the abuses "of the Dewan."

There is the real president of the Committee, —there the most active, efficient member of it. They are both of one opinion concerning their situation; and, I think, this opinion of Mr. Anderson is still more strong; for as he thinks he should have written it with a little more guard, but should have agreed in substance, you must naturally think the strongest expression the truest representation of the circumstance.

There is another circumstance, that must strike your Lordships relative to this institution. It is where the president says, that the use of the president would be to exert his best abilities, his greatest application, his constant guard, for what?—to prevent his Dewan from being guilty of bribery, and being guilty of oppressions. So here is an executive constitution, in which the chief executive minister is to be in such a situation, and of such a disposition, that the chief employment of the presiding person in the Committee is to guard against him, and to prevent his doing mischief. Here is a man appointed, of the greatest possible power, of the greatest possible wickedness, in a situation to exert that power and wickedness for the destruction of the country; and, without doubt, it would require

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the greatest ability and diligence in the person at the head of that council to prevent it. Such a constitution, allowed and alleged by the persons themselves, who composed it, was, I believe, never heard of in the world.

Now that I have done with this part of the system of bribery, your Lordships will permit me to follow Mr. Hastings to his last parting scene. He parted with his power, he parted with his situation, he parted with every thing, but he never could part with Gunga Govin Sing. He was on his voyage, he had embarked, he was upon the Ganges, he had quitted his government; and his last dying sigh, his last parting voice, was Gunga Govin Sing. It ran upon the banks of the Ganges, as another plaintive voice ran upon the banks of another river, (I forget whose;) his last accents were Gunga, Gunga Govin Sing. It demonstrates the power of friendship.

It is said by some idle absurd moralists, that friendship is a thing, that cannot subsist between bad men; but I will show your Lordships the direct contrary; and, after having shown you what Gunga Govin Sing was, I shall bring before you Mr. Hastings's last act of friendship for him. Not that I have quite shown you every thing, but pretty well, I think, respecting this man. There is a great deal concerning his character and conduct, that is laid by; and I do believe,

believe, that whatever time I should take up in expatiating upon these things, there would be "in the lowest deep still a lower deep;" for there is not a day of the inquiry, that does not bring to light more and more of this evil against Mr. Hastings.

But, before I open the papers, relative to this act of Mr. Hastings's friendship for Gunga Govin Sing, I must re-state some circumstances, that your Lordships may understand thoroughly the nature of it. Your Lordships may recollect, that about the time of the succession of the minor Rajah of Dinagepore, who was then but five or six years of age, and, when Mr. Hastings left Bengal, eight or nine; Mr. Hastings had received from that country a bribe of about 40,000*l.* There is a fidelity even in bribery; there is a truth and observance even in corruption; there is a justice, that, if money is to be paid for protection, protection should be given. My Lords, Mr. Hastings received this bribe through Gunga Govin Sing; then, at least through Gunga Govin Sing, he ought to take care, that that Rajah should not be robbed; that he should not be robbed, if Gunga Govin Sing could help it; that above all he should not be robbed by Gunga Govin Sing himself. But your Lordships will find, that the last act of Mr. Hastings's life was to be an accomplice in the most cruel and perfidious breach of faith,

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in the most iniquitous transaction, that I do believe ever was held out to the indignation of the world with regard to private persons. When he departed on the 16th of February 1785, when he was on board in the mouth of the Ganges, and preparing to visit his native country, let us see what the last act of his life then was. Hear the last tender accents of the dying swan upon the Ganges: "The regret which I cannot but feel in relinquishing the service of my honourable employers, would be much embittered, were it accompanied by the reflection, that I have neglected the merits of a man, who deserves no less of them than of myself, Gunga Govin Sing, who from his earliest youth had been employed in the collection of the revenues, and was about eleven years ago, selected for his superiour talents to fill the office of Dewan to the Calcutta Committee. He has from that time, with a short intermission, been the principal native agent in the collection of the Company's revenues; and I can take upon myself to say, that he has performed the duties of his office with fidelity, diligence, and ability. To myself he has given proofs of a constancy and attachment, which neither the fears, nor expectations, excited by the prevalence of different influence, could shake: and at a time too when these qualities were so dangerous, that, far from finding them amongst

amongst the generality of his countrymen, I did not invariably meet with them amongst my own. With such a sense of his merits, it is natural, that I should feel a desire of rewarding him; for justice, gratitude, generosity, and even policy demand it: and I resort to the Board for the means of performing so necessary a duty, in full confidence, that as those, which I shall point out, are neither incompatible with the Company's interest, nor prejudicial to the rights of others, they will not be withheld from me. At the request, therefore, of Gunga Govin Sing I deliver the accompanying durkausts, or petitions, for grants of lands lying in different districts; the total jumma, or rent, of which amount to rupees 2,38,061. 12. 1."

Your Lordships recollect, that Mr. Larkins was one of the bribe agents of Mr. Hastings; one, I mean, of a corporation, but not corporate in their acts. My Lords, Mr. Larkins has told you, he has told us, and he has told the Court of Directors, that Mr. Hastings parted in a quarrel with Gunga Govin Sing, because he had not faithfully kept his engagement with regard to his bribe; and that, instead of 40,000*l.* from Dinagepore, he had only paid him 30,000*l.* My Lords, that iniquitous men will defraud one another I can conceive; but you will perceive by Mr. Hastings's behaviour at parting, that he either

either had in fact received this money from Gunga Govin Sing, or in some way or other had abundant reason to be satisfied; that he totally forgot his anger upon this occasion, and that at parting his last act was to ratify *grants of lands*, (so described by Mr. Hastings,) to Gunga Govin Sing. Your Lordships will recollect the tender and forgiving temper of Mr. Hastings. Whatever little bickerings there might have been between them about their small money concerns, the purifying waters of the Ganges had washed away all sins, enmities, and discontent. By some of those arts, which Gunga Govin Sing knows how to practise (I mean conciliatory honest arts) he had fairly wiped away all resentment out of Mr. Hastings's mind; and he, who so long remembered the affront offered him by Cheit Sing, totally forgets Gunga Govin Sing's fraud of 10,000*l.*; and attempts to make others the instruments of giving him what he calls his reward.

Mr. Hastings states among Gunga Govin's merits, that he had, from the time of its institution, and with a very short intermission, served the office of Dewan to the Calcutta Committee. That short intermission was, when he was turned out of office upon proof of peculation, and embezzlement of publick money; but of this cause of the intermission in the political life and political

tical merits of Gunga Govin Sing Mr. Hastings does not tell you.

Your Lordships shall now hear what opinion a member of the Provincial Council at Calcutta, in which he had also served, had of him. "Who is Gunga Govin Sing?" The answer is:—"He was, when I left Bengal, Dewan to "the Committee of Revenue. What was his "office and power during Mr. Hastings's admi-"nistration since 1780?—He was formerly "Dewan to the Provincial Council stationed at "Calcutta, of which I was a member. His "conduct then was licentious and unwarrant-"able, oppressive and extortionary. He was "stationed under us to be an humble and "submissive servant, and to be of use to us "in the discharge of our duty. His conduct "was every thing the reverse. We endea-"voured to correct the mischiefs he was guilty "of as much as possible. In one attempt to "release fifteen persons illegally confined by "him, we were dismissed our offices; a dif-"ferent pretence was held out for our dismis-"sion, but it was only a pretence. Since his "appointment as Dewan to the present Com-"mittee of Revenue, his line of conduct has "only been a continuance of what I have de-"scribed, but upon a larger scale. What was "the general opinion of the natives of the use

"he

" he made of his power?—He was looked up " to by the natives as the second person in the " government, if not the first. He was con- " sidered as the only channel for obtaining " favour and employment from the Governour. " There is hardly a native family of rank or " credit within the three provinces, whom he " has not some time or other distressed and " afflicted; scarce a zemindary, that he has not " dismembered and plundered. Was you in " a situation to know this to be true?—I cer- " tainly was. What was the general opinion " and your own, concerning his wealth?—It " is almost impossible to form a competent judg- " ment, his means of acquiring it have been so " extensive. I had an account shown to me " about July 1785, stating his acquisitions at " three hundred and twenty lacks of rupees, " that is 3,200,000*l.*"

My Lords, I have only to add, that, from the best inquiries I have been able to make, those, who speak highest of his wealth, are those who obtain the greatest credit. The estimate of any man's wealth is uncertain; but the enormity of his wealth is universally believed: yet Mr. Hastings seemed to act as if he needed a reward; and it is therefore necessary to inquire, what recommended him particularly to Mr. Hastings. Your Lordships have seen, that he

was on the point of being dismissed for misbehaviour, and oppression, by that Calcutta Committee, his services to which Mr. Hastings gives as one proof of his constant and uniform good behaviour. "He had executed," he says, "the duties of his office with fidelity, diligence and ability." These are his public merits—but he has private merits: "To myself," says he, "he has given proofs of constancy and attachment." Now we, who have been used to look very diligently over the Company's records, and to compare one part with another, ask, what those services were, which have so strongly recommended him to Mr. Hastings, and induced him to speak so favourably of his publick services? What those services are, does not appear; we have searched the records for them, (and those records are very busy and loquacious,) about that period of time, during which Mr. Hastings was labouring under an eclipse, and near the dragon's mouth, and all the drums of Bengal beating to free him from this dangerous eclipse. During this time there is nothing publickly done, there is nothing publickly said, by Gunga Govin Sing. There were then some services of Gunga Govin Sing, that lie undiscovered, which he takes as proofs of attachment. What could they be? they were not publick; nobody knows any thing of them; they must by reference to

the time, as far as we can judge of them, be services of concealment. Otherwise, in the course of this business it will be necessary, and Mr. Hastings will find occasion, to show what those personal services of Gunga Govin Sing to him were. *His* services to Gunga Govin Sing were pretty conspicuous; for, after he was turned out for peculation, Mr. Hastings restored him to his office; and when he had imprisoned fifteen persons illegally and oppressively, and when the Council were about to set them at liberty, they were set at liberty themselves; they were dismissed their offices. Your Lordships see, then, what his publick services were. His private services are unknown; they must be, as we conceive from their being unknown, of a suspicious nature; and I do not go further than suspicion, because I never heard, and I have not been without attempts to make the discovery, what those services were, that recommended him to Mr. Hastings.

Having looked at his publick services, which are well-known scenes of wickedness, barbarity, and corruption, we next come to see what his reward is. Your Lordships hear what reward he thought proper to secure for himself; and, I believe, a man, who has power, like Gunga Govin Sing, and a disposition like Gunga Govin Sing, can hardly want the means of re-

warding himself; and if every virtue rewards itself, and virtue is said to be its own reward, the virtue of Gunga Govin Sing was in a good way of seeking its own reward. Mr. Hastings, however, thought it was not right, that such a man should reward himself; but that it was necessary for the honour and justice of government to find him a reward. Then the next thing is, what that reward shall be. It is a grant of lands. Your Lordships will observe, that Mr. Hastings declares some of these lands to be unoccupied, others occupied, but not by the just owners. Now these were the very lands of the Rajah of Dinagepore, from whence he had taken the bribe of 40,000*l*. My Lords, this was a monstrous thing. Mr. Hastings had the audacity, as his parting act, when he was coming to England, and ought to have expected (whatever he did expect), the responsibility of this day, he was, I say, shameless enough, not only to give this recommendation, but to perpetuate the mischiefs of his reign, as he has done, to his successours; for he has really done so by making it impossible almost to know any thing of the true state of that country: and he has thereby made them much less responsible and criminal than before in any ill acts they may have done since his time. But Mr. Hastings not only recommends and backs the petition of Gunga Govin

Sing

Sing with his parting authority, which authority he made the people there believe would be greater in England, than it was in India; but he is an evidence; he declares, that "to his own "knowledge these lands are vacant, and con- "fessedly, therefore, by the laws of this as well "as of most other countries, in the absolute "gift of government."

My Lords, (as I said) Mr. Hastings becomes a witness, and, I believe, in the course of the proceedings you will find, a false witness for Gunga Govin Sing. "To my own know- ledge," says he, "they are vacant." Why, I cannot find, that Mr. Hastings had ever been in Dinagepore; or, if he had, it must have been only as a passenger. He had not the superver- sion of the district, in any other sense than with that kind of eagle eye, which he must have had over all Bengal, and which he had for no other purposes than those, for which eagles eyes are commonly used. He becomes, you see, a wit- ness for Gunga Govin Sing, and orders to be given him, as a recompence for all the iniquitous acts this man committed, the lands of that very Rajah, who through the hands of Gunga Govin Sing had given an enormous bribe to Mr. Has- tings. These lands were not without an owner- ship, but were lands in the hands of the Rajah, and were to be severed from the zemindary and

given to Gunga Govin Sing. The manner of obtaining them is something so shocking, and contains such a number of enormities completed in one act, that one can scarce imagine how such a compound could exist.

This man, besides his office of Dewan to the Calcutta Committee, which gave him the whole management and power of the revenue, was, as I have stated, at the head of all the registers in the kingdom, whose duty it was to be a control upon him as Dewan. As Mr. Hastings destroyed every other constitutional settlement of the country, so the office, which was to be a check upon Gunga Govin Sing, namely, the register of the country, had been superseded, and revived in another shape, and given to the own son of this very man. God forbid, that a son should not be under a certain and reasonable subordination. But though in this country we know a son may possibly be free from the control of his father, yet the meanest slave is not in a more abject condition of slavery, than a son is in that country to his father; for it extends to the power of a Roman parent. The office of register is to take care, that a full and fair rent is secured to government; and above all it is his business to take care of the body of laws, the Royjaun Mulluck, or custom of the country, of which he is the guardian as the head of the law.

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It was his business to secure that fundamental law of the government, and fundamental law of the country, that a zemindary cannot be split; or any portion of it separated without the consent of the government. This man betrayed his trust, and did privately, contrary to the duty of his office, get this minor Rajah, who was but an infant, who was but nine years old at the time, to make over to him a part of his zemindary, to a large amount, under colour of a fraudulent and fictitious sale. By the laws of that country, by the common laws of nature, the act of this child was void. The act was void as against the government, by giving a zemindary without the consent of the government to the very man, who ought to have prevented such an act; he has the same sacred guardianship of minors, that the chancellor of England has.—This man got to himself those lands by a fraudulent, and probably forged, deed, for that is charged too; but whether it was forged or not, this miserable minor was obliged to give the lands to him; he did not dare to quarrel with him upon such an article; because he, who would purchase, could take.

The next step was to get one of his nearest relations to seem to give a consent; because taking it of the minor was too gross. The relation, who could no more consent by the law of

that country than the law of this, gave apparently his consent. And these were the very lands, that Mr. Hastings speaks of as "lands entirely at the disposal of government." All this came before the Council. The moment Mr. Hastings was gone, India seemed a little to respire; there was a vast oppressive weight taken off it,—there was a mountain removed from its breast; and persons did dare then, for the first time, to breathe their complaints. And accordingly this minor Rajah got some person kind enough to tell him, that he was a minor,—that he could not part with his estate; and this, with the other shocking and illegal parts of the process, was stated by him to the Council, who had Mr. Hastings's recommendation of Gunga Govin Sing before them. The Council, shocked to see a minor attempted to be dispossessed in such a manner by him, who was the natural guardian of all minors, shocked at such an enormous daring piece of iniquity, began to inquire further, and to ask, how came this his near relation to consent? He was apparently partner in the fraud. Partner in the fraud he was, but not partner in the profit; for he was to do it without getting any thing for it; the wickedness was in him, and the profit in Gunga Govin Sing. In consequence of this inquiry, the man comes down to account for his conduct, and declares another

atrocious

atrocious iniquity, that shows you the powers, which Gunga Govin Sing possessed. "Gunga Govin Sing," says he, "is master of the coun- "try; he had made a great festival for the "burial of his mother; all those of that cast "ought to be invited to the funeral festival; he "would have disgraced me for ever, if I had "not been invited to that funeral festival." These funeral festivals, you should know, are great things in that country, and celebrated in this manner, and, you may depend upon it, in a royal manner, by him, upon burying his mother: any person left out was marked, despised, and disgraced. "But he had it in his power, and "I was threatened to be deprived of my cast by "his register, who had the cast in his absolute "disposition." Says he, "I was under terrour; "I was under duress, and I did it."

Gunga Govin Sing was fortified by the opi- nion, that the Governour, though departed, virtually resided in that country. God grant that his power may be extirpated out of it now: I doubt it; but, most assuredly, it was residing in its plenitude when he departed from thence; and there was not a man in India, who was not of opinion, either that he was actually to return to govern India again, or that his power is such in England, as that he might govern it here. And such were the hopes of those, who had

intentions

intentions against the estates of others.—Gunga Govin Sing, therefore, being pressed to the wall by this declaration of the Rajah's relation, when he could say nothing against it, when it was clear and manifest, and there were only impudent barefaced denials, and asseverations against facts, which carried truth with themselves, did not in his answer pretend to say, that a zemindary might be parted without the consent of the government,—that a minor might be be deprived of it,—that the next relation had a power of disposing of it. He did indeed say, but nobody believed him, that he had used no force upon this relation; but as every one knew the act would be void, he was driven to Mr. Hastings's great refuge; he was driven to say, "The government in this country has arbitrary power,—the power of government is "every thing,—the right of the subject nothing; "they have at all times separated zemindaries "from their lawful proprietors.—Give me, what "Mr. Hastings has constantly given to other "people without any right, or shadow, or semblance of right at all."—God knows, it is well, that I walk with my authority in my hand; for there are such crimes, such portentous, incredible crimes, to be brought before your Lordships, that it would hardly be believed, were it not, that I am constantly, as I hope I shall constantly

stantly be guarded with evidence, and that the strongest, that can be, even the evidence of the parties themselves.

"From your inquiry (Gunga Govin Sing "says to the Council) every circumstance will "appear in its true colours. With respect to "the alienation of parts of zemindaries, the "extent and consequence of the great zemin- "dars depend, in a great measure, on the favour "and countenance of the ruling powers.

"By what means did this zemindar of Dinage- "pore get possession of purgunnah Buttassim "after the death of Rycobad Chowdry in 1158, "of purgunnah Coolygong after the death of "Sahebrance Chowderanne, in the same year, "notwithstanding his heirs existed; and of "purgunnah Suntoe, &c. during the life-time "of Sumboonant, the zemindar, in 1167, all "without right, title, or pecuniary consider- "ation? This has been the case with many "purgunnahs in his zemindary, and indeed "exists in many other zemindaries besides "since the Company's accession. Rainkissen, "in 1172, got possession of Nurrulloor, the "zemindary of Mahomed Ali: the purgunnah "of Tchanguipore, &c. was in three divisions "in 1173. The petition of Govin Deb Sheo- "persaud was made over to the son of Bousser "Chowdry, possessor of the third share. Pur-

"gunnah

" gunnah Baharbund belonged to the zemindary
" of Rannee Bhowanny, and, in 1180, was made
" over to Lucknaut Nundy. All these changes
" took place in the life-time of the rightful pos-
" sessors, without right, title, or purchase."

Your Lordships have not heard before of Lucknaut Nundy. He was the son of a person, of whom your Lordships have heard before, called Cantoo Baboo, the Banyan of Mr. Hastings. Mr. Hastings has proved in abundance of other cases, that a grant to father and son is the same thing. The fathers generally take out grants in the names of their sons; and the Ranny Bhowanny, possessing the zemindary of Radshi, an old lady of the first rank and family in India, was stripped of part of her zemindary, and it was given to Lucknaut Nundy, the son of Mr. Hastings's Banyan; and then (you see the consequence of good examples) comes Gunga Govin Sing, and says, I am as good a man as he; there is a zemindary given; then do as much for Gunga Govin Sing, as you have done for Cantoo Baboo. Here is an argument drawn from the practice of Mr. Hastings. And this shows your Lordships the necessity of suppressing such iniquities by punishing the author of them. You will punish Mr. Hastings, and no man will hereafter dare to rob minors, no man will hereafter dare to rob widows, to give

to

to the vilest of mankind, their own base instruments for their own nefarious purposes, the lands of others without right, title, or purchase.

My Lords, I will not, after this state to you the false representation of the value of these lands, which this man gave in to government. He represented it to be much less than it was, when he desired the grant of them; as shall be stated, when it comes before your Lordships, at the proper time. But at present I am only touching upon principles, and bringing examples so far as they illustrate principles, and to show how precedents spread.

I believe, your Lordships will conceive better of the spirit of these transactions by my intermixing with them, as I shall endeavour to do, as much as possible of the grounds of them. I will venture to say, that no description, that I can give, no painting, if I was either able or willing to paint, could make these transactions appear to your Lordships with the strength, which they have in themselves; and your Lordships will be convinced of this, when you see, what nobody could hardly believe, that a man can say, "It was given to others without right, title, or purchase, give it to me without right, title, or purchase;—give me the estates of minors without right, title, or purchase, because Mr. Hastings gave the estates of widows without right, title, or purchase."

Of

Of this exemplary grant, of this pattern for future proceedings, I will show your Lordships the consequence.

I will read to your Lordships part of the examination of a witness, taking from a Report of a Committee of the House of Commons.

"Are you acquainted with the situation of "the zemindary of Baharbund?—It lies to the "eastward of Dinagepore and Rungpore. I "was stationed in that neighbourhood. To "whom did it originally belong?—I believe, "to the zemindary of Radshi, belonging to "Ranny Bowanny. For what reason was it "taken from the Ranny of Radshi and given to "Cantoo Baboo?—I do not exactly recollect: "I believe, on some plea of incapacity or in-"sufficiency in her to manage it, or some pre-"tended decline in the revenue, owing to mis-"management. On what terms was it granted "to Cantoo Baboo or his son?—I believe it "was a grant in perpetuity, at the revenue of "rupees 82 or 83,000 per annum. What amount "did he collect from the country?—I cannot "tell. The year I was in that neighbourhood, "the settlement with his under-tenants was "something above 3,53,000 rupees. The in-"habitants of the country objected to it. "They assembled in a body of about five thou-"sand, and were proceeding to Calcutta to "make known their grievances to the Com-

"mittee

"mittee of Revenue. They were stopped at Cossimbuzar by Noor Sing Baboo, the brother "of Cantoo Baboo, and there the matter was "compromised, in what manner I cannot say."

Your Lordships see, Mr. Hastings's Banyan got this zemindary belonging to this venerable lady, unable to protect herself; that it was granted to him without right, title, or purchase. To show you, that Mr. Hastings had been in a constant course of such proceeding, here is a petition from a person called * * * * * * * * * * for some favour from government, which it is not necessary now to state. In order to make good his claim, he states what nobody denied, but which is universally known in fact. Says he, "I have never entertained "any such intention or idea;" that is, of seizing upon other people's zemindaries, "neither am "I at all desirous of acquiring any other person's "zemindary in this country," &c. * * * * *

[*The document, read here, is wanting, ending*]

"as several Calcutta Banyans have done," &c.

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He states it as a kind of constant practice, by which the country had been robbed under Mr. Hastings, known and acknowledged to be so, to seize upon the inheritance of the widow, and the fatherless. In this manner did Gunga Govin Sing govern himself upon the direct

precedent

precedent of Cantoo Baboo, the Banyan of Mr. Hastings; and this other instrument of his in like manner calls upon government for favour of some kind or other, upon the same principle, and the same precedent.

Your Lordships now see, how necessary it was to say something about arbitrary power: for, first, the wicked people of that country (Mr. Hastings's intruments I mean) pretend right, title, purchase, grant; and when their frauds in all these legal means are discovered, then they fly off, and have recourse to arbitrary power; and say, It is true, I can make out no right, title, grant, or purchase; the parties are minors; I am bound to take care of their right; but you have arbitrary power; you have exercised it upon other occasions; exercise it upon this; give me the rights of other people. This was the last act, and, I hope, will be the last act of Mr. Hastings's wicked power, done by the wickedest man in favour of the wickedest man, and by the wickedest means, which failed upon his own testimony.

To bring your Lordships to the end of this business, which I hope will lead me very near to the end of what I have to trouble your Lordships with; I will now state the conduct of the Council, and the resolution about Gunga Govin Sing. I am to inform your Lordships, that there was a reference made by the Council to the Committee

Committee of Revenue, namely to Gunga Govin Sing himself; a reference with regard to the right, title, mode, and proceeding, and many other circumstances; upon which the Committee, being such as I have described, very naturally were silent. Gunga Govin Sing *loquitur solus*—in the manner you have just heard; the Committee were the chorus; they sometimes talk,—fill up a vacant part, but Gunga Govin Sing was the great actor, the sole one. The Report of this Committee being laid before the Council, Mr. Stables, one of the Board, entered the following minute on the fifteenth of May 1785: "I have perused the several papers "upon this subject, and am sorry to observe, "that the Committee of Revenue are totally "silent on the most material points therein, and "sending the petition to them has only been so "much time thrown away—I mean, on the "actual value of the lands in question; what "the amount derived from them has been in "the last year, and what advantages or disad-"vantages to government by the sale; and "whether, in their opinion, the supposed sale "was compulsive, or not. But, it is not neces-"sary for the discussion of the question respect-"ing the regularity or irregularity of the pre-"tended sale of Salbarry to Gunga Govin "Sing, the Dewan, to enter into the particular "assertions of each party.

"The representations of the Rajah's agent, "confirmed by the petitions of his principal, "positively assert the sale to have been compul- "sive and violent; and the Dewan as positively "denies it, though the fears he expresses, '*that* "*their common enemies would set aside the act* "*before it was complete*,' show clearly, that they "were sensible the act was unjustifiable, if they "do not tend to falsify his denial.

"But, it is clearly established and admitted "by the language and writings of both parties, "that there has been a most unwarrantable "collusion in endeavouring to alienate the "rights of government, contrary to the most "positive original laws of the constitution of "these provinces, '*that no Zemindar, and other* "*landholder, paying revenue to government, shall* "*be permitted to alienate his lands without the* "*express authority of that government.*'

"The defence set up by Gunga Govin Sing "does not go to disavow the transaction; for, if "it did, the deed of sale, &c. produced by him- "self, and the petition to the Board for its "confirmation, would detect him; on the con- "trary, he openly admits its existence, and only "strives to show, that it was a voluntary one on "the part of the Ranny and the servants of the "Rajah. Whether voluntary or not, was equally "criminal in Gunga Govin Sing, as the publick

"officer

" officer of government, because diametrically
" opposite to the positive and repeated standing
" orders of that government for the rule of his
" conduct, as Dewan, and native guardian of the
" publick rights intrusted especially to his care;
" because it was his duty, not only not to be
" guilty of a breach of those rules himself, but,
" as Dewan, and exercising the efficient office of
" Canongoe, to prevent, detect, expose, and
" apprize his employers of every instance at-
" tempted to the contrary; because it was his
" duty to prevent the government being de-
" frauded, and the Rajah, a child of nine years
" old, robbed of his hereditary possessions, as
" he would have been, if this transaction had
" not been detected; whereas, on the contrary,
" the Dewan is himself the principal mover,
" and sole instrument in that fraud and robbery,
" if I am rightly informed *, to the amount of
" 42,474 rupees in perpetuity, by which he
" alone was to benefit; and because, he has
" even dared to stand forward in an attempt to
" obtain our sanction, and thereby make us
" parties to (in my opinion) a false deed and
" fraudulent

* Vakeel states Mofussil Jumma, of Salberry, for 1,191 S^a R^s - - - - - - 96,229
Purchase money - 53,755
Per annum, loss - 42,474

" fraudulent transaction, as his own defence
" now shows the bill of sale and all its collateral
" papers to be.

" If offences of this dark tendency and mag-
" nitude were not to be punished in a publick
" manner, the high example here set the na-
" tives employed under the government by
" their first native officer, would very soon ren-
" der our authority contemptible, and operate
" to the destruction of the publick revenues.—
" I will not dwell further on the contradictions
" in these papers before us on this subject.

" But, I beg leave to point out, how tenacious
" the government have been of ensuring implicit
" obedience to their rules on this subject in
" particular, and in prohibiting conduct like
" that here exhibited against their publick of-
" ficer, and how sacredly they have viewed the
" publick institutes on this subject, which have
" been violated and trampled on; and it will
" suffice to show their publick orders on a similar
" instance, which happened some time ago, and
" which the Dewan, from his official situation,
" must have been a party in detecting.

" I desire the Board's letter to the Committee
" on this subject, dated the 31st May 1782,
" may be read, and a copy be annexed to this
" minute.

" I, therefore, move the Board, that Gunga
" Govin

"Govin Sing may be forthwith required to "surrender the original deeds produced by him, "as a title to the grant of Salbarry, in order "that they may be returned to the Rajah's "agents, to be made null and void.

"I further move the Board, that the Dewan "Gunga Govin Sing, together with his Naib "Prawn Kishin Sing, his son, and all his de-"pendents, be removed from their offices, and "that the Roy Royan, Rajah Rajebullub, whose "duty only Gunga Govin Sing virtually is to "perform, be reinstated in the exercise of the "duties of his department; and that Gunga "Govin Sing be ordered to deliver up all official "papers of the Sircar to the Committee of "Revenue, and the Roy Royan, and that they "be ordered accordingly to take charge of "them, and finally settle all accounts."—This motion was over-ruled, and no final proceeding appears.

My Lords, you have heard the proceedings of the Court, before which Gunga Govin Sing thought proper to appeal, in consequence of the power and protection of Mr. Hastings being understood to exist after he left India, and authenticated by his last parting deed. Your Lordships will judge by that last act of Mr. Hastings, what the rest of his whole life was.—My Lords, I do not mean now to go further,

than just to remind your Lordships of this, that Mr. Hastings's government was one whole system of oppression, of robbery of individuals, of destruction of the publick, and of supersession of the whole system of the English government, in order to vest in the worst of the natives all the powers that could possibly exist in any government; in order to defeat the ends, which all governments ought in common to have in view. Thus, my Lords, I show you, at one point of view, what you are to expect from him in all the rest. I have, I think, made out as clear as can be to your Lordships, so far as it was necessary to go, that his bribery and peculation was not occasional, but habitual; that it was not urged upon him at the moment, but was regular and systematick. I have shown to your Lordships the operation of such a system on the revenues.

My Lords, Mr. Hastings pleads one constant merit to justify those acts; namely, that they produce an increase of the public revenue; and accordingly he never sells to any of those wicked agents any trusts whatever in the country, that you do not hear, that it will considerably tend to the increase of the revenue.—Your Lordships will see, when he sold to wicked men the province of Bahar in the same way, in which Debi Sing had this province of Dinagepore, that consequences

sequences of a horrid and atrocious nature (though not to so great an extent) followed from it. I will just beg leave to state to your Lordships, that the kingdom of Bahar is annexed to the kingdom of Bengal; that this kingdom was governed by another provincial council; that he turned out that provincial council, and sold that government to two wicked men,—one of no fortune at all, and the other of a very suspicious fortune; one a total bankrupt, the other justly excommunicated for his wickedness in his country, and then in prison for misdemeanors in a subordinate situation of government.

Mr. Hastings destroyed the council, that imprisoned him; and, instead of putting one of the best and most reputable of the natives to govern it, he takes out of prison this excommunicated wretch, hated by God and man,—this bankrupt, this man of evil and desperate character, this mismanager of the publick revenue in an inferiour station: and, as he had given Bengal to Gunga Govin Sing, he gave this province to Rajahs Kelleram, and Cullian Sing.

It was done upon this principle, that they would increase, and very much better, the revenue. These men seemed to be as strange instruments for improving a revenue as ever were chosen, I suppose, since the world began.

Perhaps their merit was giving a bribe of 40,000*l.* to Mr. Hastings. How he disposed of it, I don't know. He says, I disposed of it to the publick, and it was in a case of emergency: You will see in the course of this business the falsehood of that pretence; for you will see, though the obligation is given for it as a round sum of money, that the payment was not accomplished till a year after; that therefore it could not answer any immediate exigence of the Company. Did it answer in an increase of the revenue?—The very reverse. Those persons who had given this bribe of 40,000*l.* at the end of that year were found 80,000*l.* in debt to the Company. The Company always loses, when Mr. Hastings takes a bribe; and, when he proposes an increase of the revenue, the Company loses often double. But I hope, and trust, your Lordships will consider this idea of a monstrous rise of rent, given by men of desperate fortunes and characters, to be one of the grievances instead of one of the advantages of this system.

It has been necessary to lay these facts before you (and I have stated them to your Lordships far short of their reality, partly through my infirmity, and partly on account of the odiousness of the task of going through things, that disgrace human nature) that you may be enabled fully to enter into the dreadful consequences, which attend

attend a system of bribery and corruption in a Governour General. On a transient view, bribery is rather a subject of disgust than horrour; the sordid practice of a venal, mean and abject mind; and the effect of the crime seems to end with the act. It looks to be no more than the corrupt transfer of property from one person to another; at worst a theft. But it will appear in a very different light, when you regard the consideration, for which the bribe is given; namely, that a Governour General, claiming an arbitrary power in himself, for that consideration delivers up the properties, the liberties, and the lives of an whole people to the arbitrary discretion of any wicked and rapacious person, who will be sure to make good from their blood the purchase he has paid for his power over them. It is possible, that a man may pay a bribe merely to redeem himself from some evil. It is bad however to live under a power, whose violence has no restraint except in its avarice. But no man ever paid a bribe for a power to charge and tax others, but with a view to oppress them. No man ever paid a bribe for the handling of the publick money, but to peculate from it. When once such offices become thus privately and corruptly venal, the very worst men will be chosen (as Mr. Hastings has in fact constantly chosen the very worst,) because none but those, who do not scruple the use of any means, are capable, consistently with profit,

profit, to discharge at once the rigid demands of a severe publick revenue, and the private bribes of a rapacious chief magistrate. Not only the worst men will be thus chosen, but they will be restrained by no dread whatsoever in the execution of their worst oppressions. Their protection is sure. The authority, that is to restrain, to control, to punish them, is previously engaged; he has his retaining fee for the support of their crimes. Mr. Hastings never dared, because he could not, arrest oppression in its course, without drying up the source of his own corrupt emolument. Mr. Hastings never dared, after the fact, to punish extortion in others, because he could not, without risking the discovery of bribery in himself. The same corruption, the same oppression, and the same impunity will reign through all the subordinate gradations.

A fair revenue may be collected without the aid of wicked, violent, and unjust instruments. But, when once the line of just and legal demand is transgressed, such instruments are of absolute necessity; and they comport themselves accordingly. When we know, that men must be well paid (and they ought to be well paid) for the performance of honourable duty, can we think, that men will be found to commit wicked, rapacious, and oppressive acts with fidelity and disinterestedness, for the sole emolument of dishonest employers? No; they must have

have their full share of the prey, and the greater share as they are the nearer and more necessary instruments of the general extortion. We must not therefore flatter ourselves, when Mr. Hastings takes 40,000*l.* in bribes for Dinagepore and its annexed provinces, that from the people nothing more than 40,000*l.* is extorted. I speak within compass, four times forty must be levied on the people; and these violent sales, fraudulent purchases, confiscations, inhuman and unutterable tortures, imprisonment, irons, whips, fines, general despair, general insurrection, the massacre of the officers of revenue by the people, the massacre of the people by the soldiery, and the total waste and destruction of the finest provinces in India, are things of course; and all a necessary consequence involved in the very substance of Mr. Hastings's bribery.

I, therefore, charge Mr. Hastings with having destroyed, for private purposes, the whole system of government by the six provincial councils, which he had no right to destroy.

I charge him with having delegated to others that power, which the act of parliament had directed him to preserve unalienably in himself.

I charge him with having formed a committee to be mere instruments and tools, at the enormous expense of 62,000*l.* per annum.

I charge him with having appointed a person

their

their Dewan, to whom these Englishmen were to be subseryient tools; whose name, to his own knowledge, was by the general voice of India, by the general recorded voice of the Company, by recorded official transactions, by every thing that can make a man known, abhorred, and detested, stamped with infamy; and with giving him the whole power, which he had thus separated from the Council General, and from the provincial councils.

I charge him with taking bribes of Gunga Govin Sing.

I charge him with not having done that bribe service, which fidelity even in iniquity requires at the hands of the worst of men.

I charge him with having robbed those people, of whom he took the bribes.

I charge him with having fraudulently alienated the fortunes of widows.

I charge him with having, without right, title, or purchase, taken the lands of orphans, and given them to wicked persons under him.

I charge him with having removed the natural guardians of a minor Rajah, and with having given that trust to a stranger, Debi Sing, whose wickedness was known to himself and all the world; and by whom the Rajah, his family, and dependants were cruelly oppressed.

I charge him with having committed to the management

management of Debi Sing three great provinces; and thereby, with having wasted the country, ruined the landed interest, cruelly harassed the peasants, burnt their houses, seized their crops, tortured and degraded their persons, and destroyed the honour of the whole female race of that country.

In the name of the Commons of England, I charge all this villany upon Warren Hastings, in this last moment of my application to you.

My Lords, what is it, that we want here to a great act of national justice? Do we want a cause, my Lords? You have the cause of oppressed princes, of undone women of the first rank, of desolated provinces, and of wasted kingdoms.

Do you want a criminal, my Lords? When was there so much iniquity ever laid to the charge of any one?—No, my Lords, you must not look to punish any other such delinquent from India.—Warren Hastings has not left substance enough in India to nourish such another delinquent.

My Lords, is it a prosecutor you want?—You have before you the Commons of Great Britain as prosecutors; and, I believe, my Lords, that the sun, in his beneficent progress round the world, does not behold a more glorious sight than that of men, separated from a remote people

people by the material bounds and barriers of nature, united by the bond of a social and moral community;—all the Commons of England resenting, as their own, the indignities and cruelties, that are offered to all the people of India.

Do we want a tribunal? My Lords, no example of antiquity, nothing in the modern world, nothing in the range of human imagination, can supply us with a tribunal like this. My Lords, here we see virtually in the mind's eye that sacred majesty of the crown, under whose authority you sit, and whose power you exercise. We see in that invisible authority, what we all feel in reality and life, the beneficent powers and protecting justice of His Majesty. We have here the heir apparent to the crown, such as the fond wishes of the people of England wish an heir apparent of the crown to be. We have here all the branches of the royal family in a situation between majesty and subjection, between the sovereign and the subject,—offering a pledge in that situation for the support of the rights of the crown, and the liberties of the people, both which extremities they touch. My Lords, we have a great hereditary Peerage here; those, who have their own honour, the honour of their ancestors, and of their posterity, to guard; and who will justify,

as

as they have always justified, that provision in the Constitution, by which justice is made an hereditary office. My Lords, we have here a new nobility, who have risen, and exalted themselves by various merits, by great military services, which have extended the fame of this country from the rising to the setting sun: we have those, who by various civil merits and various civil talents have been exalted to a situation, which they well deserve, and in which they will justify the favour of their sovereign, and the good opinion of their fellow subjects; and make them rejoice to see those virtuous characters, that were the other day upon a level with them, now exalted above them in rank, but feeling with them in sympathy what they felt in common with them before. We have persons exalted from the practice of the law, from the place, in which they administered high, though subordinate, justice, to a seat here, to enlighten with their knowledge, and to strengthen with their votes those principles, which have distinguished the courts, in which they have presided.

My Lords, you have here also the lights of our religion; you have the Bishops of England. My Lords, you have that true image of the primitive Church in its ancient form, in its ancient ordinances, purified from the superstitions and the vices, which a long succession of

ages

ages will bring upon the best institutions. You have the representatives of that religion, which says, that their God is love, that the very vital spirit of their institution is charity; a religion, which so much hates oppression, that, when the God, whom we adore, appeared in human form, he did not appear in a form of greatness and majesty, but in sympathy with the lowest of the people,—and thereby made it a firm and ruling principle, that their welfare was the object of all government; since the person, who was the Master of Nature, chose to appear himself in a subordinate situation. These are the considerations, which influence them, which animate them, and will animate them, against all oppression; knowing, that He, who is called first among them, and first among us all, both of the flock, that is fed, and of those, who feed it, made Himself "the servant of all."

My Lords, these are the securities, which we have in all the constituent parts of the body of this House. We know them, we reckon, we rest upon them, and commit safely the interests of India and of humanity into your hands. Therefore, it is with confidence, that, ordered by the Commons,

I impeach Warren Hastings, Esquire, of High Crimes and Misdemeanors.

I impeach him in the name of the Commons of

of Great Britain in Parliament assembled, whose parliamentary trust he has betrayed.

I impeach him in the name of all the Commons of Great Britain, whose national character he has dishonoured.

I impeach him in the name of the people of India, whose laws, rights, and liberties he has subverted; whose properties he has destroyed, whose country he has laid waste and desolate.

I impeach him in the name, and by virtue, of those eternal laws of justice, which he has violated.

I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed in both sexes, in every age, rank, situation, and condition of life.

*** After Mr. Burke had concluded these opening speeches, the first article of the impeachment was brought forward on the 22d of February 1788, by Mr. Fox, and supported by Mr. Grey on the 25th. After the evidence upon this article had been adduced, it was summed up and enforced by Mr. Anstruther on the 11th day of April following.

The next article with which the Commons proceeded, was brought forward on the 15th of April 1788, by Mr. Adam, and supported by Mr. Pelham; and the evidence, in part upon the

second article of charge, was summed up and enforced on the 3d of June, by Mr. Sheridan.

On the 21st of April 1789, Mr. Burke opened the sixth charge, bribery and corruption, in the following speech, which was continued on the 21st of April, and on the 5th and 7th May, in the same session.

TRIAL

OF

WARREN HASTINGS, ESQ.

TUESDAY, 21st APRIL, 1789.

(MR. BURKE.)

MY LORDS,

AN event, which had spread, for a considerable time, an universal grief and consternation through this kingdom, and which, in its issue, diffused as universal and transcendent a joy, has in the circumstances both of our depression and of our exaltation produced a considerable delay, if not a total suspension of the most important functions of Government.

My Lords, we now resume our office; and we resume it with new and redoubled alacrity, and, we trust, under not less propitious omens than when we left it, in this House, at the end of the preceding Session. We come to this duty with a greater degree of earnestness and zeal, because we are urged to it by many and very peculiar circumstances. This day we come from an House, where the last steps were taken, and,

I suppose, something has happened similar in this, to prepare our way to attend with the utmost solemnity in another place a great national thanksgiving for having restored the Sovereign to his Parliament, and the Parliament to its Sovereign.

But, my Lords, it is not only in the house of prayer, that we offer to the first Cause the acceptable homage of our rational nature—My Lords, in this House, at this bar, in this place, in every place where His commands are obeyed, His worship is performed. And, my Lords, I must boldly say, (and I think I shall hardly be contradicted by your Lordships, or by any persons versed in the Law, which guides us all,) that the highest act of religion, and the highest homage, which we can and ought to pay, is an imitation of the divine perfections as far as such a nature can imitate such perfections; and that by this means alone we can make our homage acceptable to him.

My Lords, in His temple we shall not forget, that His most distinguished attribute is justice, and that the first link in the chain, by which we are held to the Supreme Judge of all, is justice; and that it is in this solemn temple of representative justice we may best give him praise, because we can here best imitate His divine attributes. If ever there was a cause, in which justice and

mercy

mercy are not only combined and reconciled, but incorporated, it is in this cause of suffering nations, which we now bring before your Lordships, this second Session of Parliament, unwearied and unfatigued in our persevering pursuit; and we feel it to be a necessary preliminary, a necessary fact, a necessary attendant and concomitant of every public thanksgiving, that we should express our gratitude by our virtues, and not merely with our mouths: and that, when we are giving thanks for acts of mercy, we should render ourselves worthy of them by doing acts of mercy ourselves. My Lords, these considerations, independent of those, which were our first movers in this business, strongly urge us at present to pursue with all zeal and perseverance the great cause, we have now in hand. And we feel this to be the more necessary, because we cannot but be sensible, that light, unstable, variable, capricious, inconstant, fastidious minds soon tire in any pursuit, that requires strength, steadiness, and perseverance. Such persons, who we trust are but few, and who certainly do not resemble your Lordships, nor us, begin already to say, How long is this business to continue? Our answer is,—It is to continue till its ends are obtained.

We know, that by a mysterious dispensation of Providence injury is quick and rapid; and

justice slow: and we may say, that those, who have not patience and vigour of mind to attend the tardy pace of justice, counteract the order of Providence, and are resolved not to be just at all. We, therefore, instead of bending the order of nature to the laxity of our characters and tempers, must rather confirm ourselves by a manly fortitude and virtuous perseverance to continue within those forms, and to wrestle with injustice, until we have shown, that those virtues, which sometimes wickedness debauches into its cause, such as vigour, energy, activity, fortitude of spirit, are called back and brought to their true and natural service; and that in the pursuit of wickedness, in the following it through all the winding recesses and mazes of its artifices, we shall show as much vigour, as much constancy, as much diligence, energy, and perseverance, as any others can do in endeavouring to elude the laws, and triumph over the justice of their country. My Lords, we have thought it the more necessary to say this, because it has been given out, that we might faint in this business: No, we follow, and trust we shall always follow that great emblem of antiquity, in which the person, who held out to the end of a long line of labours, found the reward of all the eleven in the twelfth. Our labour, therefore, will be our reward; and we will go on, we will pursue with vigour and diligence,

diligence, in a manner suitable to the Commons of Great Britain, every mode of corruption, till we have thoroughly eradicated it.

I think it necessary to say a word too upon another circumstance, of which there is some complaint, as if some injustice had arisen from voluntary delay on our part.

I have already alluded to, first, the melancholy, then, the joyful occasion of this delay; and I shall now make one remark on another part of the complaint, which I understand was formally made to your Lordships, soon after we had announced our resolution to proceed in this great cause of suffering nations before you. It has been alleged, that the length of the pursuit had already very much distressed the person, who is the object of it; that it leaned upon a fortune unequal to support it; and that 30,000*l.* had been already spent in the preliminary preparations for the defence.

My Lords, I do admit, that all true genuine and unadulterated justice considers, with a certain degree of tenderness, the person, whom it is called to punish, and never oppresses those by the process, who ought not to be oppressed but by the sentence of the court, before which they are brought. The Commons have heard, indeed, with some degree of astonishment, that 30,000*l.* hath been laid out by Mr. Hastings in this

business. We, who have some experience in the conduct of affairs of this nature, we, who profess to proceed with regard not to the economy so much as to the rigour of this prosecution, (and we are justified by our country in so doing) upon a collation and comparison of the publick expenses with those, which the defendant is supposed to have incurred, are much surprised to hear it; we suppose, that his solicitors can give a good account to him of those expenses, that the thing is true, and that he has actually, through them, incurred this expense. We have nothing to do with this: but we shall remove any degree of uneasiness from your Lordships' minds, and from our own, when we show you in the charge, which we shall bring before you this day, that one bribe only received by Mr. Hastings, the smallest of his bribes, or nearly the smallest, the bribe received from Rajah Nobkisson, is alone more than equal to have paid all the charges Mr. Hastings is stated to have incurred: and, if this be the case, your Lordships will not be made very uneasy in a case of bribery by finding, that you press upon the sources of peculation.

It has also been said, that we weary out the public patience in this cause. The House of Commons do not call upon your Lordships to do any thing, of which they do not set the example. They

They have very lately sat in the Colchester Committee as many, within one or two, days successively, as have been spent in this trial interruptedly in the course of two years. Every cause deserves, that it should be tried according to its nature and circumstances; and in the case of the Colchester Committee, in the trial of paltry briberies of odd pounds, shillings, and pence, in the corruption of a returning officer, who is but a miller, they spent nearly the same number of days, that we have been inquiring into the ruin of kingdoms by the peculation and bribery of the Chief Governour of the provinces of Bengal, Bahar, and Orissa. Therefore, God forbid, that we should faint at thrice thirty days, if the proceedings should be drawn into such a length, when for a small crime as much time has been spent, as has yet been spent in this great cause.

Having now cleared the way with regard to the local and temporary circumstances of this case; having shown your Lordships, that too much time has not been spent in it; having no reason to think from the time, which has hitherto been spent, that time will be unnecessarily spent in future, I trust your Lordships will think, that time ought neither to be spared nor squandered in this business; we will therefore proceed article by article, as far as the discretion of the House of Commons shall think fit for the justice

justice of the case to limit the inquiry, or to extend it.

We are now going to bring before your Lordships the sixth article. It is an article of charge of bribery and corruption against Mr. Hastings; but yet we must confess, that we feel some little difficulty *in limine*. We here appear in the name and character not only of representatives of the Commons of Great Britain, but representatives of the inhabitants of Bengal: and yet we have had lately come into our hands such ample certificates, such full testimonials, from every person, in whose cause we complain, that we shall appear to be in the strangest situation in the world,—the situation of persons complaining, who are disavowed by the persons, in whose name and character they complain. This would have been a very great difficulty in the beginning, especially as it is come before us in a flood-tide of panegyrick. No encomium can be more exalted, or more beautifully expressed. No language can more strongly paint the perfect satisfaction, the entire acquiescence of all the nations of Bengal, and their wonderful admiration of the character of the person, whom we have brought as a criminal to your bar upon their part. I do admit, that it is a very aukward circumstance; but yet, at the same time, the same candour, which has induced the House of

Commons

Commons to bring before you the bosom friends and confidants of Mr. Hastings as their evidence, will not suffer them to suppress or withhold for a moment from your Lordships this universal voice of Bengal, as an attestation in Mr. Hastings's favour, and we shall produce it as a part of our evidence. Oh! my Lords, consider the situation of a people, who are forced to mix their praises with their groans, who are forced to sign with hands, which have been in torture, and with the thumb-screws but just taken from them, an attestation in favour of the person, from whom all their sufferings have been derived. When we prove to you the things, that we shall prove, this will, I hope, give your Lordships a full, conclusive, and satisfactory proof of the misery, to which these people have been reduced. You will see before you, what is so well expressed by one of our poets as the homage of tyrants, "that "homage with the mouth, which the heart "would fain deny, but dares not." Mr. Hastings has received that homage, and that homage we mean to present to your Lordships; we mean to present it, because it will show your Lordships clearly, that after Mr. Hastings has ransacked Bengal from one end to the other, and has used all the power, which he derives from having every friend and every dependent of his in every office from one end of that Government

to

to the other, he has not in all those panegyricks, those fine high-flown Eastern encomiums, got one word of refutation, or one word of evidence against any charge whatever, which we produce against him. Every one knows, that in the course of criminal trials, when no evidence of *alibi* can be brought, when all the arts of the Old Bailey are exhausted, the last thing produced is evidence to character. His cause therefore is gone, when having ransacked Bengal he has nothing to say for his conduct, and at length appeals to his character. In those little papers, which are given us of our proceedings in our criminal courts, it is always an omen of what is to follow: after the evidence of a murder, a forgery, or robbery, it ends in his character.—He has an admirable character—I have known him from a boy; he is wonderfully good; he is the best of men; I would trust him with untold gold: and immediately follows, Guilty, Death. This is the way in which in our courts character is generally followed by sentence. The practice is not modern. Undoubtedly Mr. Hastings has the example of criminals of high antiquity; for Caius Verres, Antonius, and every other man, who has been famous for the pillage and destruction of provinces, never failed to bring before their judges the attestations of the injured to their character. Voltaire says, "Les Bons Mots

"sont

"sont toujours redits." A similiar occasion has here produced a similar conduct. He has got just the same character, as Caius Verres got in another cause; and the *laudationes*, which your Lordships know always followed, to save trouble, we mean ourselves to give your Lordships; we mean to give them with this strong presumption of guilt, that, in all this panegyrick, there is not one word of defence to a single article of charge; they are mere lip-honours; but we think we derive from those panegyricks, which Mr. Hastings has had sent over as evidence to supply the total want of it, an indication of the impossibility of attaining it. Mr. Hastings has brought them here, and I must say we are under some difficulty about them, and the difficulty is this—we think we can produce before your Lordships proofs of barbarity and peculation by Mr. Hastings: we have the proofs of them in specifick provinces, where those proofs may be met by contrary proofs, or may lose their weight from a variety of circumstances. We thought we had got the matter sure, that every thing was settled, that he could not escape us after he had himself confessed the bribes he had taken from the specifick provinces. But in what condition are we now? We have from those specifick provinces the strongest attestations, that there is not any credit to be paid to his own acknowledgments.

In

In short, we have the complaints, concerning these crimes of Mr. Hastings, of the injured persons themselves: we have his own confessions: we shall produce both to your Lordships. But these persons now declare, that not only their own complaints are totally unfounded, but that Mr. Hastings's confessions are not true, and not to be credited. These are circumstances, which your Lordships will consider in the view you take of this wonderful body of attestation.

It is a pleasant thing to see in these addresses the different character and modes of eloquence of different countries. In those, that will be brought before your Lordships, you will see the beauty of chaste European panegyrick improved by degrees into high, oriental, exaggerated, and inflated metaphor. You will see, how the language is first written in English, then translated into Persian, and then re-translated into English. There may be something amusing to your Lordships in this, and the beauty of these styles may, in this heavy investigation, tend to give a little gaiety and pleasure. We shall bring before you the European and Asiatick incense. You will have the perfume shops of the two countries.

One of the accusations, which we mean to bring against Mr. Hastings, is upon the part of the zemindar Radanaut, of the country of Dinagepore. Now hear what the zemindar says himself—

himself—"As it has been learned by me, the mutsuddies, and the respectable officers of my zemindary, that the ministers of England are displeased with the late Governour, Warren Hastings, Esquire, upon the suspicion, that he oppressed us, took money from us by deceit and force, and ruined the country; therefore we, upon the strength of our religion, which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the acts and deeds of Warren Hastings, Esquire, full of circumspection and caution, civility and justice, superiour to the conduct of the most learned; and by representing what is fact, wipe away the doubts, that have possessed the minds of the ministers of England: that Mr. Hastings is possessed of fidelity and confidence, and yielding protection to us; that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness, or avarice. During the time of his administration no one saw other conduct than that of protection to the husbandman, and justice. No inhabitant ever experienced afflictions; no one ever felt oppression from him; our reputations have always been guarded from attacks by his prudence, and our families have always been protected by his justice. He never omitted the smallest instance of kindness

kindness towards us, but healed the wounds of despair with the salve of consolation, by means of his benevolent and kind behaviour, never permitting one of us to sink in the pit of despondence; he supported every one by his goodness, overset the designs of evil-minded men by his authority, tied the hand of oppression with the strong bandage of justice, and by these means expanded the pleasing appearance of happiness and joy over us. He re-established justice and impartiality. We were, during his government, in the enjoyment of perfect happiness and ease, and many of us are thankful and satisfied. As Mr. Hastings was well acquainted with our manners and customs, he was always desirous, in every respect, of doing whatever would preserve our religious rites, and guard them against every kind of accident and injury, and at all times protected us. Whatever we have experienced from him, and whatever happened from him, we have written without deceit or exaggeration."

My Lords, here is a panegyrick; and, directly contrary to the usual mode of other accusers, we begin by producing the panegyricks, made upon the person, whom we accuse. We shall produce along with the charge, and give as evidence the panegyrick and certificate of the persons, whom we suppose to have suffered these wrongs. We suffer ourselves even to abandon,

what

what might be our last resource, his own confession, by showing, that one of the princes, from whom he confesses, that he took bribes, has given a certificate of the direct contrary.

All these things will have their weight upon your Lordships' minds; and when we have put ourselves under this disadvantage (what disadvantage it is, your Lordships will judge,) at least we shall stand acquitted of unfairness in charging him with crimes, directly contrary to the panegyricks in this paper contained. Indeed, I will say this for him, that general charge and loose accusation may be answered by loose and general panegyrick, and that, if our's were of that nature, this panegyrick would be sufficient to overset our accusation. But we come before your Lordships in a different manner, and upon different grounds. I am ordered by the Commons of Great Britain to support the charge, that they have made, and persevere in making, against Warren Hastings, Esq. late Governour General of Bengal, and now a culprit at your bar: first, for having taken corruptly several bribes, and extorted by force, or under the power and colour of his office, several sums of money from the unhappy natives of Bengal.

The next article, which we shall bring before you, is, that he is not only personally corrupted, but that he has personally corrupted all the

other servants of the Company; those under him, whose corruptions he ought to have controlled, and those above him, whose business it was to control his corruptions.

We purpose to make good to your Lordships the first of these by submitting to you, that part of those sums, which are specified in the charge, were taken by him with his own hand, and in his own person; but that much the greater part have been taken from the natives by the instrumentality of his black agents, Banyans, and other dependents; whose confidential connexion with him, and whose agency, on his part, in corrupt transactions, if his counsel should be bold enough to challenge us to the proof, we shall fully prove before you.

The next part, and the second branch of his corruption, namely, what is commonly called his active corruption, distinguishing the personal under the name of passive, will appear from his having given, under colour of contracts, a number of corrupt and lucrative advantages, from a number of unauthorized and unreasonable grants, pensions, and allowances, by which he corrupted actively the whole service of the Company. And, lastly, we shall show, that by establishing a universal connivance from one end of the service to the other, he has not only corrupted and contaminated it in all its parts, but

bound

bound it in a common league of iniquity to support mutually each other against the inquiry, that should detect, and the justice, that should punish, their offences. These two charges, namely, of his active, and passive corruption, we shall bring one after the other, as strongly and clearly illustrating, and as powerfully confirming, each other.

The first, which we shall bring before you, is his own passive corruption, so we commonly call it. Bribes are so little known in this country, that we can hardly get clear and specifick technical names to distinguish them; but, in future, I am afraid, the conduct of Mr. Hastings will improve our law vocabulary. The first, then, of these offences, with which Mr. Hastings stands charged here, is receiving bribes himself, or through his Banyans; every one of these are overt acts of the general charge of bribery, and they are every one of them, separately taken, substantive crimes. But whatever the criminal nature of these acts was—and the nature was very criminal, and the consequences to the country very dreadful,—yet we mean to prove to your Lordships, that they were not single acts, that they were not acts committed, as opportunity offered, or as necessity tempted, or urged upon the occasion; but, that they are parts of a general systematick plan of corrup-

tion, for advancing his fortune at the expense of his integrity; that he has, for that purpose, not only taken the opportunity of his own power, but made whole establishments, altered and perverted others, and created complete revolutions in the Country's government for the purpose of making the power, which ought to be subservient to legal government, subservient to corruption; that, when he could no longer cover these fraudulent proceedings by artifice, he endeavoured to justify them by principle. These artifices we mean to detect; these principles we mean to attack, and, with your Lordships' aid, to demolish, destroy, and subvert for ever.

My Lords, I must say, that in this business, which is a matter of collusion, concealment, and deceit, your Lordships will, perhaps, not feel the same degree of interest as in the others. Hitherto, you have had before you crimes of dignity. You have had before you the ruin and expulsion of great and illustrious families; the breach of solemn publick treaties; the merciless pillage and total subversion of the first houses in Asia: but the crimes, which are the most striking to the imagination, are not always the most pernicious in their effects: in these high eminent acts of domineering tyranny their very magnitude proves a sort of corrective to their virulence. The occasions, on which they can

can be exercised, are rare; the persons, upon whom they can be exercised, few; the persons, who can exercise them, in the nature of things, are not many. These high tragick acts of superiour overbearing tyranny are privileged crimes; they are the unhappy dreadful prerogative, they are the distinguished and incommunicable attributes, of superiour wickedness in eminent station.

But, my Lords, when the vices of low, sordid, and illiberal minds infect that high situation, when theft, bribery, and peculation, attended with fraud, prevarication, falshood, misrepresentation, and forgery; when all these follow in one train: when these vices, which gender and spawn in dirt, and are nursed in dunghills, come and pollute with their slime that throne, which ought to be a seat of dignity and purity, the evil is much greater: it may operate daily and hourly; it is not only imitable but improvable, and it will be imitated, and will be improved, from the highest to the lowest, through all the gradations of a corrupt government. They are reptile vices. There are situations, in which the acts of the individual are of some moment, the example comparatively of little importance. In the other, the mischief of the example is infinite.

My Lords, when once a Governour General

receives bribes, he gives a signal to universal pillage to all the inferiour parts of the service.—The bridles upon hard-mouthed passion are removed, they are taken away, they are broken; fear and shame, the great guards to virtue next to conscience, are gone;—shame! how can it exist?—it will soon blush away its awkward sensibility; shame, my Lords, cannot exist long when it is seen, that crimes, which naturally bring disgrace, are attended with all the outward symbols, characteristicks, and rewards of honour and of virtue; when it is seen, that high station, great rank, general applause, vast wealth, follow the commission of peculation and bribery; is it to be believed, that men can long be ashamed of that, which they see to be the road to honour? As to fear, let a Governour General once take bribes, there is an end of all fear in the service. What have they to fear? Is it the man, whose example they follow, that is to bring them before a tribunal for their punishment?—Can he open any inquiry? he cannot; he, that opens a channel of inquiry under these circumstances, opens a high road to his own detection. Can he make any laws to prevent it? none; for he can make no laws to restrain that practice without the breach of his own laws immediately in his own conduct. If we once can admit, for a single instant, in a Governour General,

General, a principle however defended, upon any pretence whatever, to receive bribes in consequence of his office, there is an end of all virtue, an end of the laws, and no hope left in the supreme justice of the country. We are sensible of all these difficulties; we have felt them, and perhaps it has required no small degree of exertion for us to get the better of these difficulties, which are thrown in our way by a Governour General accepting bribes, and thereby screening and protecting the whole service in such iniquitous proceedings.

With regard to this matter, we are to state to your Lordships, in order to bring it fully and distinctly before you, what the nature of this distemper of bribery is in the Indian government. We are to state, what the laws and rules are, which have been opposed to prevent it, and the utter insufficiency of all, that have been proposed: to state the grievance, the instructions of the Company, and Government, the Acts of Parliament, the constructions upon the Acts of Parliament. We are to state to your Lordships the particular situation of Mr. Hastings. We are to state the trust the Company had in him for the prevention of all those evils; and then we are to prove, that every evil, that all those grievances, which the law intended to prevent, which there were cove-

nants to restrain, and with respect to which there were encouragements to smooth and make easy the path of duty, Mr. Hastings was invested with a special, direct and immediate trust, to prevent.—We are to prove to your Lordships, that he is the man, who, in his own person collectively, has done more mischief than all those persons, whose evil practices have produced all those laws, those regulations, and even his own appointment.

The first thing, that we shall do, is to state, and which we shall prove in evidence, that this vice of bribery was the ancient, radical, endemical, and ruinous distemper of the Company's affairs in India, from the time of their first establishment there. Very often, there are no words, nor any description, which can adequately convey the state of a thing like the direct evidence of the thing itself, because the former might be suspected of exaggeration. You might think that, which was really fact, to be nothing but the colouring of the person, that explained it; and therefore I think, that it will be much better to give to your Lordships here a direct state of the Presidency at the time, when the Company enacted those covenants, which Mr. Hastings entered into, and when they took those measures to prevent the very evils from persons placed in those very stations, and in those

those very circumstances, in which we charge Mr. Hastings with having committed the offences, we now bring before you.

I wish your Lordships to know, that we are going to read a consultation of Lord Clive's, who was sent out for the express purposes of reforming the state of the Company, in order to show the magnitude of the pecuniary corruptions, that prevailed in it.

"It is from a due sense of the regard we owe and profess to your interests and to our own honour, that we think it indispensably necessary to lay open to your view a series of transactions too notoriously known to be suppressed, and too affecting to your interest, to the national character, and to the existence of the Company in Bengal, to escape unnoticed and uncensured:—transactions, which seem to demonstrate, that every spring of this Government was smeared with corruption, that principles of rapacity and oppression universally prevailed, and that every spark of sentiment and publick spirit was lost and extinguished in the unbounded lust of unmerited wealth.

"To illustrate these positions we must exhibit to your view a most unpleasing variety of complaints, inquiries, accusations, and vindications, the particulars of which are entered in our proceedings, and the Appendix; assuring you,

you, that we undertake this task with peculiar reluctance, from the personal regard we entertain for some of the gentlemen, whose characters will appear to be deeply affected.

"At Fort St. George we received the first advices of the demise of Meer Jaffier, and of Shuja Dowlah's defeat. It was there firmly imagined, that no definitive measures would be taken, either in respect to a peace, or filling the vacancy in the Nizamut, before our arrival; as the Lapwing arrived in the month of January with your general letter, and the appointment of a committee with express powers to that purpose; for the successful exertion of which the happiest occasion now offered. However, a contrary resolution prevailed in the Council. The opportunity of acquiring immense fortunes was too inviting to be neglected, and the temptation too powerful to be resisted. A treaty was hastily drawn up by the board, or rather transcribed, with few unimportant additions, from that concluded with Meer Jaffier; and a deputation, consisting of Messrs. Johnstone senior, Middleton, and Leycester, appointed to raise the natural son of the deceased Nabob to the subahdarry, in prejudice of the claim of the grandson: and for this measure such reasons are assigned as ought to have dictated a diametrically opposite resolution. Miran's son was a minor, which

circumstance

circumstance alone would have naturally brought the whole administration into our hands, at a juncture when it became indispensably necessary we should realize that shadow of power and influence, which having no solid foundation was exposed to the danger of being annihilated by the first stroke of adverse fortune. But this inconsistence was not regarded; nor was it material to the views for precipitating the treaty, which was pressed on the young Nabob at the first interview, in so earnest and indelicate a manner, as highly disgusted him and chagrined his ministers; while not a single rupee was stipulated for the Company, whose interests were sacrificed, that their servants might revel in the spoils of a treasury before impoverished, but now totally exhausted.

"This scene of corruption was first disclosed, at a visit the Nabob was paid, to Lord Clive and the gentlemen of the committee a few days after our arrival. He there delivered to his Lordship a letter filled with bitter complaints of the insults and indignities he had been exposed to, and the embezzlement of near 20 lacks of rupees, issued from his treasury for purposes unknown during the late negotiations. So publick a complaint could not be disregarded, and it soon produced an inquiry. We referred the letter to the board, in expectation of obtaining a satisfactory

a satisfactory account of the application of this money, and were answered only by a warm remonstrance entered by Mr. Leycester against that very Nabob, in whose elevation he boasts of having been a principal agent.

" Mahomed Reza Cawn, the Naib Subah, was then called upon to account for this large disbursement from the treasury; and he soon delivered to the committee the very extraordinary narrative entered in our proceedings the 6th of June, wherein he specifies the several names and sums, by whom paid, and to whom, whether in cash, bills, or obligations. So precise, so accurate an account as this of money for secret and venal services was never, we believe, before this period exhibited to the Honourable Court of Directors, at least never vouched by such undeniable testimony and authentick documents: by Juggut Seet, who himself was obliged to contribute largely to the sums demanded; by Moolyram, who was employed by Mr. Johnstone in all those pecuniary transactions; by the Nabob and Mahomed Reza Cawn, who were the heaviest sufferers; and, lastly, by the confession of the gentlemen themselves, whose names are specified in the distribution list.

" Juggut Seet expressly declared in his narrative, that the sum, which he agreed to pay the

the deputation, amounting to 125,000 rupees, was extorted by menaces; and since the close of our inquiry, and the opinions we delivered in the proceedings of the 21st June, it fully appears, that the presents from the Nabob and Mahomed Reza Cawn, exceeding the immense sum of 17 lacks, were not the voluntary offerings of gratitude, but contributions levied on the weakness of the government, and violently exacted from the dependant state and timid disposition of the minister. The charge indeed is denied on the one hand, as well as affirmed on the other. Your Honourable Board must therefore determine, how far the circumstance of extortion may aggravate the crime of disobedience to your positive orders; the exposing the government in a manner to sale, and receiving the infamous wages of corruption from opposite parties and contending interests. We speak with boldness, because we speak from conviction, founded upon indubitable facts, that besides the above sums specified in the distribution account to the amount of 228,125 pounds sterling, there was likewise to the value of several lacks of rupees procured from Nundcomar and Roydullub, each of whom aspired at and obtained a promise of that very employment it was predetermined to bestow on Mahomed Reza Cawn.

(Signed at the end) "Clive.—W^{m} B. Sumner. —John Carnac.—H. Verelst.—Fra^{s} Sykes."

This

This paper cannot be denied to be a paper of weight and authenticity, because it is signed by a gentleman now in this house, who sits on one side of the gentleman at your bar, as his bail.—This grievance, therefore,—so authenticated, so great, and described in so many circumstances, I think it might be sufficient for me, in this part of the business, to show, was, when Mr. Hastings was sent to India, a prevalent evil.

But, my Lords, it is necessary, that I should show to you something more, because, *primâ fronte*, this is some exculpation of Mr. Hastings: for, if he was only a partaker in a general misconduct, it was rather *vitium loci et vitium temporis*, than *vitium hominis*. This might be said in his exculpation. But, I am next to show your Lordships the means, which the Company took for removing this grievance; and, that Mr. Hastings's peculiar trust—the great specifick ground of his appointment, was a confidence, that he would eradicate this very evil, of which we are going to prove, that he has been one of the principal promoters. I wish your Lordships to advert to one particular circumstance, namely, that the two persons, who were bidders at this time, and at this auction of Government, for the favour and countenance of the Presidency at Calcutta, were Mahomet Reza Khân, and Rajah Nundcomár. I wish your Lordships to recollect this, by and by, when we shall bring before you the very

very same two persons, who in the same sort of transaction, and in circumstances exactly similar, or very nearly so, were candidates for the favour of Mr. Hastings.

My Lords, our next step will be to show you, that the Company, in 1768, had made a covenant, expressly forbidding the taking of presents of above 400*l.* value, in each present, by the Governour General. I take it for granted, this will not be much litigated; they renewed and enforced that with other covenants, and other instructions; and at last came an Act of Parliament, in the clearest, the most definite, the most specifick words, that all the wisdom of the Legislature, intent upon the eradication of this evil, could use, to prevent the receiving of presents.

My Lords, I think it is necessary to state, that there has been some little difficulty concerning this word *Presents*. Bribery and extortion have been covered by the name of Presents, and the authority and practice of the East has been adduced, as a palliation of the crime. My Lords, no authority of the East will be a palliation of the breach of laws enacted in the West: and to those laws of the West, and not the vicious customs of the East, we insist upon making Mr. Hastings liable. But do not your Lordships see, that this is an entire mistake, that there never was any custom of the East for it?

I do

I do not mean vicious practices and customs, which it is the business of good laws and good customs to eradicate. There are three species of Presents known in the East: two of them, payments of money, known to be legal; and the other perfectly illegal, and which has a name exactly expressing it in the manner our language does. It is necessary, that your Lordships should see, that Mr. Hastings has made use of a perversion of the names of authorized gifts, to cover the most abominable and prostituted bribery. The first of these Presents is known in the country by the name of Peshcush: this Peshcush is a fine paid, upon the grant of lands, to the Sovereign, or whoever grants them. The second is the Nuzzer, or Nuzzeranah, which is a tribute of acknowledgment from an inferiour to a superiour. The last is called Reshwâat, in the Persian language, that is to say, a bribe, or sum of money clandestinely and corruptly taken; and is as much distinguished from the others as, in the English language, a fine or acknowledgment is distinguished from a bribe. To show your Lordships this, we shall give in evidence, that whenever a Peshcush or fine is paid, it is a sum of money publickly paid, and paid in proportion to the grant; and that the sum is entered upon the very grant itself. We shall prove the Nuzzer is, in the same manner, entered,

entered, and that all legal fees are endorsed upon the body of the grant, for which they are taken: and that they are no more in the East, than in the West, any kind of colour or pretence for corrupt acts, which are known by the circumstance of their being clandestinely taken, and which are acknowledged and confessed to be illegal and corrupt. Having stated, that Mr. Hastings, in some of the evidence, that we shall produce, endeavours to confound these three things, I am only to remark, that the Nuzzer is generally a very small sum of money, that it sometimes amounts to one gold mohr; that sometimes it is less, and that, in all the records of the Company, I have never known it exceed one gold mohr, or about thirty-five shillings; passing by the fifty gold mohrs, which were given to Mr. Hastings by Cheit Sing, and a hundred gold mohrs, which were given to the Mogul, as a nuzzer, by Mahomet Ali, Nabob of Arcot.

The Company seeing, that this nuzzer, though small in each sum, might amount at last to a large tax upon the country, (and it did so in fact) thought proper to prohibit any sum of money to be taken upon any pretext whatever; and the Company, in the year 1775, did expressly explode the whole doctrine of peshcush, nuzzer, and every other private lucrative emolu-

ment, under whatever name to be taken by the Governour General: and did expressly send out an order, that *that* was the construction of the act; and that he was not even to take a nuzzer. Thus we shall show, that that act had totally cut up the whole system of bribery and corruption; and that Mr. Hastings had no sort of colour whatever for taking the money, which we shall prove he has taken.

I know, that positive prohibitions, that Acts of Parliament, that covenants, are things of very little validity indeed, as long as all the means of corruption are left in Power, and all the temptations to corrupt profit are left in poverty. I should really think, that the Company deserved to be ill served, if they had not annexed such appointments to great trusts as might secure the persons entrusted from the temptations of unlawful emolument; and, what in all cases is the greatest security, given a lawful gratification to the natural passions of men. Matrimony is to be used as a true remedy against a vicious course of profligate manners: fair and lawful emoluments, and the just profits of office, are opposed to the unlawful means, which might be made use of to supply them; for, in truth, I am ready to agree, that for any man to expect a series of sacrifices without a return in blessings, to expect labour without a prospect of reward, and fatigue without

without any means of securing rest, is an unreasonable demand in any human creature from another. Those, who trust, that they shall find in men uncommon and heroick virtues, are themselves endeavouring to have nothing paid them but the common returns of the worst parts of human infirmity.—And, therefore, I shall show your Lordships, that the Company did provide large, ample, abundant means for supporting the Governour General:—that Lord Clive, in the year 1765, and the Council with him, of which Mr. Sumner, I am glad and proud to say, was one, did fix such an allowance as they thought a sufficient security to the Governour General against the temptations attendant upon his situation; and, therefore, after they had fixed this sum, they say,—"that al-
"though by this means the Governour will not
"be able to amass a million or half a million in
"the space of two or three years, yet he will
"acquire a very handsome independency, and
"be in that very situation, which a man of ho-
"nour and true zeal for the service would wish
"to possess. Thus situated, he may defy all
"opposition in Council; he will have nothing
"to ask; nothing to propose but what he
"wishes for the advantage of his employers: he
"may defy the law, because there can be no
"foundation for a bill of discovery; and he

" may defy the obloquy of the world, because " there can be nothing censurable in his con- " duct. In short; if stability can be insured to " such a Government as this, where riches have " been acquired in abundance in a small space " of time, by all ways and means, and by men " with or without capacities, it must be effected " by a Governour thus restricted."—That is, a Governour restricted from every emolument but that of his salary. I must remark, that this salary and these emoluments were not settled upon the vague speculations of men taking the measure of their necessities for India from the manners of England; but it was fixed by the Council themselves; fixed in India; fixed by those, who knew and were in the situation of the Governour General, and who knew what was necessary to support his dignity and to preserve him from the temptation of corruption: and they have laid open to you such a body of advantage arising from it, as would lead any man, who had a regard to his honour or conscience, to think himself happy in having such a provision made for him, and, at the same time, every temptation to act corruptly removed far from him.

The emoluments of the office, though reduced from the original plan, which Lord Clive had proposed, may be computed at near 30,000*l.* a year,

a year, when Mr. Hastings was president; 22,000*l.* in certain money, and the rest in other advantages. Whatever it was, I have shown, that it was thought sufficient by those, who were the best judges, and who in carving for others, were carving for themselves their own allowance at the time. But, my Lords, I am to give a better opinion of the sufficiency of that provision to guard against the temptation, out of Mr. Hastings's own mouth. He says, in his letter to the Court of Directors, "Although I "disclaim the consideration of my own interest "in these speculations† * * * * * * * I have "catched the desire of applause in publick "life."

Here Mr. Hastings confesses, that the emoluments affixed to office were not only sufficient for the purposes and ends, which the nature of his office demanded, and the support of present dignity, but that they were sufficient to secure him, in a very few years, a comfortable retreat; but his object, in wishing to hold his office long, was, *to catch applause in publick life.* What an unfortunate man is he, who has so often told us, in so many places, and through so many mouths, that, after fourteen years' possession of an office, which was to make him a comfortable fortune

† *Document not found.*

fortune in a few years, he is at length bankrupt in fortune; and, for his applause in publick life, is now at your Lordships' bar, and his accuser is his country. This, my Lords, is to be unfortunate; but there are some misfortunes, that never do or ever can arrive but through crimes. He was a deserter from the path of honour; at the turning of the two ways, he made a glorious choice; he caught at the applause of ambition —which though I am ready to consent is not virtue, yet surely a generous ambition for applause for public services in life is one of the best counterfeits of virtue, and supplies its place in some degree; and it adds a lustre to real virtue where it exists as the substratum of it. Human nature, while it is made as it is, never can wholly repudiate it for its imperfection, because there is something yet more perfect. But what shall we say to the deserter of that cause, who, having glory and honour before him, has chosen to plunge himself into the downward road to sordid riches?

My Lords, I have shown the grievances, that existed. I have shown the means, that existed to put Mr. Hastings beyond a temptation to those practices, of which we accuse him, even in his own opinion, if he will not follow his example in the House of Commons, and disavow this letter, as he has done his defence before them,

them, and say he never wrote it. That situation, which was to afford him a comfortable fortune in a few years, he has held for many years; and therefore he has not one excuse to make for himself: but I shall show your Lordships much greater and stronger proofs, that will lean heavy upon him in the day of your sentence. The first, the peculiar trust, that was put in him, was to redress all those grievances.

My Lords, I have stated to you the condition of India in 1765. You may suppose, that the means, that were taken—the regulations, that were made by the Company at that period of time, had operated their effect; and that by the beginning of the year 1772, when Mr. Hastings came first to his government, these evils did not then require, perhaps, so vigorous an example or so much diligence in putting an end to them: but, my Lords, I have to show you a very melancholy truth, that, notwithstanding all these means, the Company was of opinion, that all these disorders had increased; and, accordingly, they say, "Without entering into all the grievous circumstances of this letter," [which was wrote on the 10th of April 1773:]—"we wish we could refute the observation, that almost every attempt made by us and our administration at your presidency for reforming abuses has rather increased them, and added to the misery of

a country we are so anxious to protect and cherish." They say, that "when oppression pervades the whole country, when youths have been suffered, with impunity, to exercise sovereign jurisdiction over the natives, and to acquire rapid fortunes by monopolizing of commerce, it cannot be a wonder to us or yourselves, that Dadney merchants do not come forward to contract with the Company, that the manufactures find their way through foreign channels, or that our investments are at once enormously dear, and of a debased quality. "It is evident then, that the evils, which have been so destructive to us, lie too deep for any partial plans to reach or correct; it is therefore our resolution to aim at the root of those evils, and we are happy in having reason to believe, that in every just and necessary regulation we shall meet with the approbation and support of the Legislature, who consider the publick as materially interested in the Company's prosperity."

This is to show your Lordships, that Mr. Hastings was armed with great powers to correct great abuses, and that there was reposed in him a special trust for that purpose. And now I shall show, by the twenty-fifth paragraph of the same letter, that they intrusted Mr. Hastings with this very great power from some particular hope they had, not only of his abstaining himself,

which

which is a thing taken for granted, but of his restraining abuses through every part of the service; and, therefore, they say, "that in order to effectuate this great end, the first step must be to restore perfect obedience and due subordination to your administration. Our Governour and Council must re-assume and exercise their delegated powers upon every just occasion; punish delinquents, cherish the meritorious, discountenance that luxury and dissipation, which, to the reproach of Government, prevailed in Bengal. Our President, Mr. Hastings, we trust, will set the example of temperance, economy, and application; and upon this, we are sensible, much will depend. And here we take occasion to indulge the pleasure we have in acknowledging Mr. Hastings's services upon the coast of Coromandel, in constructing with equal labour and ability the plan, which has so much improved our investments there; and as we are persuaded he will persevere in the same laudable pursuit through every branch of our affairs in Bengal, he, in return, may depend on the steady support and favour of his employers." Here are not only laws to restrain abuse; here are not only salaries to prevent the temptation to it; but here are praises to animate and encourage him; here is what very few men, even bad in other respects, have

have resisted; here is a great trust put in him to call upon him with particular vigour and exertion to prevent all abuses through the settlement, and particularly these abuses of corruption. Much trust is put in his frugality, his order, his management of his private affairs; and from thence they hope, that he would not ruin his own fortune, but improve it by honourable means; and teach the Company's servants the same order and management, in order to free them from temptation to rapacity in their own particular situations. There have been known to be men, otherwise corrupt and vicious, who, when great trust was put in them, have called forth principles of honour latent in their minds; and men, who were nursed in a manner in corruption, have been not only great reformers by institution, but greater reformers by the example of their own conduct. Then I am to show, that soon after his coming to that government, there were means given him instantly of realizing those hopes and expectations by putting into his hands several arduous and several difficult commissions.

My Lords, in the year 1772, the Company had received alarming advices of many disorders throughout the country: there were likewise at the same time circumstances in the state of the government, upon which they thought it neces-

sary

sary to make new regulations. The famine, which prevailed in, and devastated Bengal, and the ill use, that was made of that calamity to aggravate the distress for the advantage of individuals, produced a great many complaints: some true, some exaggerated; but universally spread, as I believe is in the memory of those, who are not very young among us. This obliged the Company to a very serious consideration of an affair, which dishonoured and disgraced their government, not only at home, but through all the countries in Europe, much more than perhaps even more grievous and real oppressions, that were exercised under them. It had alarmed their feelings, it had been marked, and had called the attention of the publick upon them in an eminent manner.

Your Lordships remember the death of Jaffier Ally Khân, the first of those Soubahs, who introduced the English power into Bengal. He died about four or five years before this period; he was succeeded by two of his sons, who succeeded to one another in a very rapid succession. The first was the person, of whom we have read an account to you. He was the natural son of the Nabob by a person called Munny Begum, who, for the corrupt gifts, the circumstances of which we have recited, had, in prejudice of the lawful issue of the Nabob, been raised to the musnud;

musnud; but as bastard slips, it is said in King Richard (an abuse of a Scripture phrase) do not take deep root, this bastard slip Nudjheem Dowla shortly died, and the legitimate son Syel O'Dowlah succeeded him. After him another legitimate son Mobarick ul Dowlah succeeded in a minority. When I say *succeeded*, I wish your Lordships to understand, that there is no regular succession in the office of Soubah, or Viceroy of the kingdom; but, in general, succession has been considered, and persons have been put in that place upon some principles resembling a regular succession. That regular succession had been broken in favour of a natural son, and the mother of that natural son did obtain the superiority in the female part of the family for a time.

In consequence of these two circumstances, namely, the famine, and the abuses, that were supposed to arise from it; and from the circumstance of the minority of Mobarick ul Dowla, who now reigns or appears to reign, in consequence of these two circumstances, the Company gave two sets of orders.

The first order related to Mahomed Reza Khân, who was (as your Lordships remember I took, in the beginning of this affair, means of explaining) Lord Deputy of the province under the native government, the English holding the Dewannee;

Dewannee; and Deputy Dewan, or High Steward, under the name of the English, and had the command of the whole revenue; and who was accused before the Company (the channel of which accusation we now learn) of having aggravated that famine by a monopoly for his own benefit. The Company, upon these loose and general charges, ordered, that he should be divested of his office, that he should be brought down to Calcutta, and there be obliged to render an account of his conduct.

The next regulation they made was concerning the effective government of the country, which was become vacant by the removal of Mahomed Reza Khân. The offices, which he held were in effect these:—he was guardian to the Nabob by the appointment of the Company; he had the care and management of his family; he had the care of the publick justice; and he represented that shadow of government to foreign nations, which it was the policy of the Company, at that time, to keep up. This was the person, whom Mr. Hastings was ordered to remove; in consequence of which removal all these offices were to be supplied—of guardian of the Nabob's person, and manager of his family; of chief magistrate, and of representative of the fallen dignity of the native government to the foreign nations, which traded to Bengal.

To

To these orders was added an instruction of a very remarkable nature, which was a third trust, that was given to Mr. Hastings; that during the Nabob's minority he should reduce the annual allowance, which was thirty-two lacks, to sixteen; and that to prevent the abuse of this restricted sum, and to prevent its being directed by the minister's authority to other purposes than that, for which the Company allowed it, (that is to say, allowed him out of what was his own) of these sixteen lacks an account was to be regularly kept as a check upon the person so appointed, which account was ordered to be transmitted to Calcutta, and to be sent to England.

Now, we are to show your Lordships, what Mr. Hastings's conduct was upon all these occasions; and, for this, we mean to produce testimony recorded in the Company's books, and authentic documents taken from the public offices of that country. At the same time I do admit, that there never was a positive testimony, that did not stand something in need of the support of presumption; for as we know, that witnesses may be perjured; and, as we know, that documents can be forged, we have recourse to a known principle in the laws of all countries, that circumstances cannot lie; and, therefore, if the testimony, that is given, was ever so clear

and

and positive, yet, if it is contrary to the circumstances of the country; if it is contrary to the circumstances of the facts, to which it alludes; if the deposition is totally adverse and alien to the characters of the persons; then I will say, that though the testimonies should be many, though they should be consistent, and though they should be clear, yet they will still leave some degree of hesitation and doubt upon every mind timorous in the execution of justice, as every mind ought to be. If, for instance, ten witnesses were to swear, that the Chief Justice of England, that the Lord High Chancellor, or the Archbishop of Canterbury, was seen, in the robes of his function, at noon day, robbing upon the highway, it is not the clearness, the weight, the authority of testimonies, that could make me believe it; I should attribute it to any cause, either corruption, mistake, errour, or madness, rather than believe that fact. Why? because it is totally alien to the character of the persons, the situation, the circumstances, and to all the rules of probability. But if, on the contrary, the crime charged has a perfect relation with the person, with his known conduct, with his known habits, with the situation and circumstances of the place, that he is in, and with the very corrupt inherent nature of the act, that he does, then much less proof than we are able to

produce

produce will serve; and according to the nature and strength of the presumptions arising from the inherent nature of a vicious principle, and vicious motives in the act, will be strengthened the weakest evidence, or, if it comes to a sufficient height, the whole burthen of proof will be turned upon the party accused. And thus we shall think ourselves bound to show your Lordships, in every step of this proceeding, that there is an inherent presumption of corruption in every act. We shall show the presumptions, which preceded: we shall show the presumptions, which accompanied the proof; and these, with the subsequent presumptions, will make it impossible to disbelieve them. Such a body of proof was never given upon any such occasion; and it is such proof as will prevail against the whole voice of corruption, that amazing, active, diligent, spreading voice, which has been made, by buzzing in every part of this country, sometimes to sound like the publick voice; it will put it to silence by showing, that your Lordships have proceeded upon the strongest evidence, active and passive.

First, Mr. Hastings received a positive order to seize upon Mahomed Reza Khân. That order he executed with a military promptitude of obedience, which will show your Lordships, what are the services, which are congenial to his

his own mind, and which find in him always a ready acquiescence; a faithful agent, and a spirited instrument in the execution. The very day after he received the order, he sent up, privately, without communicating with the Council, from whom he was not ordered to keep this proceeding a secret; he sent up, and found that great and respectable man, and respectable magistrate, who was in all those high offices, which I have stated; and if I was to compare them to circumstances and situations in this country, I should say, he had united in himself the character of First Lord of the Treasury; the character of Chief Justice; the character of Lord High Chancellor, and the character of Archbishop of Canterbury; a man of great gravity, dignity, and authority, and advanced in years; had once 100,000*l.* a year for the support of his dignity; and had at that time 50,000*l.* This man, sitting in his garden, reposing himself after the toils of his situation; for he was one of the most laborious men in the world; was suddenly arrested, and without a moment's respite, dragged down to Calcutta, and there by Mr. Hastings (exceeding the orders of the Company) confined near two years, under a guard of soldiers. Mr. Hastings kept this great man for several months without even attempting the trial upon him. How he tried

him afterwards your Lordships may probably in the course of this business inquire: and you will then judge from the circumstances of that trial, that, as he was not tried for his crime, so neither was he acquitted for his innocence;—but, at present, I leave him in that situation. Mr. Hastings, unknown to the Council, having executed the orders of the Company in the last degree of rigour to this unhappy man, keeps him in that situation, without a trial, under a guard, separated from his country, disgraced, and dishonoured, and by Mr. Hastings's express order not suffered either to make a visit or receive a visitor.

There was another commission for Mr. Hastings contained in these orders. The Company, because they were of opinion, that justice could not be easily obtained while the first situations of the country were filled with this man's adherents, desired Mr. Hastings to displace them; leaving him a very large power, and confiding in his justice, prudence, and impartiality, not to abuse a trust of such delicacy. But, we shall prove to your Lordships, that Mr. Hastings thought it necessary to turn out, from the highest to the lowest, several hundreds of people for no other reason than that they had been put in their employments by that very man, whom the English Government had formerly placed there.

there. If we were to insist, that we could not possibly try Mr. Hastings, or come at his wickedness, until we had eradicated his influence in Bengal, and left not one man in it, who was, during his government, in any place or office whatever; yet, though we should readily admit, that we could not do the whole without it, at the same time, rather than make a general massacre of every person presumed to be under his influence, we would leave some of his crimes unproved. He did avow and declare, that, unless he turned all these persons out of their offices, he could never hope to come at the truth of any charges against Mahomet Reza Khân; against whom no specifick charge had been made. Yet upon loose and general charges did he seize upon this man, confine him in this manner, and every person, who derived any place or authority from him, high or low, was turned out. Mr. Hastings had, in the Company's orders, something to justify him in rigour, but he had likewise a prudential power over that rigour; and he not only treated this man in the manner described, but every human creature connected with him, as if they had been all guilty, without any charge whatever against them. These are his reasons for taking this extraordinary step.

"I pretend not to enter into the views of

others. My own were these. Mahomet Reza Khân's influence still prevailed generally throughout the country. In the Nabob's household, and at the capital, it was scarce affected by his present disgrace. His favour was still courted, and his anger dreaded. Who, under such discouragements, would give information or evidence against him? His agents and creatures filled every office of the Nizamut and Dewannee. How was the truth of his conduct to be investigated by these? It would be superfluous to add other arguments to show the necessity of prefacing the inquiry by breaking his influence, removing his dependants, and putting the direction of all the affairs, which had been committed to his care, into the hands of the most powerful or active of his enemies."

My Lords, if *we*, of the House of Commons, were to desire and to compel the East India Company, or to address the Crown, to remove according to their several situations and several capacities every creature, that had been put into office by Mr. Hastings, because we could otherwise make no inquiry into his conduct, should we not be justified, by his own example, in insisting upon the removal of every creature of the reigning power before we could inquire into his conduct? We have not done that, though we feel, as he felt, great disadvantages in

in proceeding in the inquiry, while every situation in Bengal is notoriously held by his creatures, always excepting the first of all, but which we could show is nothing under such circumstances. Then what do I infer from this? from his obedience to the orders of the Company carried so much beyond necessity, and prosecuted with so much rigour; from the inquiry being suspended for so long a time; from every person in office being removed from his situation; from all these precautions being used as prefatory to the inquiry, when he himself says, that after he had used all these means, he found not the least benefit and advantage from them? The use I mean to make of this is, to let your Lordships see the great probability, and presumption, that Mr. Hastings, finding himself in the very self-same situation, that had occurred the year before, when Nundcomar was sold to Mahomet Reza Khân, of selling Mahomet Reza Khân to Nundcomar, made a corrupt use of it, and that as Mahomet Reza Khân was not treated with severity for his crimes, so neither was he acquitted for his innocence. The Company had given Mr. Hastings severe orders, and very severely had he executed them. The Company gave him no orders not to institute a present inquiry; but he, under pretence of business, neglected that inquiry, and suffered this

man to languish in prison to the utter ruin of his fortune.

We have in part shown your Lordships what Mr. Hastings's own manner of proceeding with regard to a publick delinquent is; but at present we leave Mahomet Reza Khân where he was. Do you Lordships think, that there is no presumption of Mr. Hastings having a corrupt view in this business, and of his having put this great man, who was supposed to be of immense wealth, under contributions? Mr. Hastings never trusted his colleagues in this proceeding, and what reason does he give? why, he supposed, that they must be bribed by Mahomet Reza Khân; for, says he, as I did not know their characters at that time, I did not know whether Mahomet Reza Khân had not secured them to his interest by the known ways, in which great men in the East secure men to their interest. He never trusted his colleagues with the secret; and the person, that he employed to prosecute Mahomet Reza Khân, was his bitter enemy, Nundcomar. I will not go the length of saying, that the circumstance of enmity disables a person from being a prosecutor; under some circumstances it renders a man incompetent to be a witness; but this I know, that the circumstance of having no other person to rely upon in a charge against any man, but his enemy, and of having

having no other principle to go upon than what is supposed to be derived out of that enmity, must form some considerable suspicion against the proceeding: but in this he was justified by the Company; for Nundcomar, the great rival of Mahomet Reza Khân, was in the worst situation with the Company as to his credit. This Nundcomar's politicks in the country had been by Mr. Hastings himself, and by several persons joined with him, cruelly represented to the Company; and accordingly he stood so ill with them by reason of Mr. Hastings's representations and those of his predecessors, that the Company ordered and directed, that, if he could be of any use in the inquiry into Mahomet Reza Khân's conduct, some reward should be given him suitable to his services; but they caution Mr. Hastings at the same time against giving him any trust, which he might employ to the disadvantage of the Company. Now, Mr. Hastings began, before he could experience any service from him, by giving him his reward, and not the base reward of a base service, *money*, but every trust and power, which he was prohibited from giving him. Having turned out every one of Mahomet Reza Khân's dependents, he filled every office, as he avows, with the creatures of Nundcomar. Now when he uses a cruel and rigorous obedience in the case of

Mahomet Reza Khân, when he breaks through the principles of his former conduct with regard to Nundcomar, when he gives *him*, Nundcomar, trust, whom he was cautioned not to trust, and when he gives him that reward before any service could be done; I say, when he does this in violation of the Company's orders and his own principles, it is the strongest evidence, that he now found them in the situation, in which they were in 1765, when bribes were notoriously taken, and that each party was mutually sold to the other, and faith kept with neither. The situation, in which Mr. Hastings thus placed himself, should have been dreaded by him of all things, because he knew it was a situation, in which the most outrageous corruption had taken place before.

There is another circumstance, which serves to show, that in the persecution of these great men, and the persons employed by them, he could have no other view than to extort money from them. There was a person of the name of Shitabroy, who had a great share in the conduct of the revenues of Bahar. Mr. Hastings, in the letter to the Company, complaining of the state of their affairs, and saying, that there were great and suspicious balances in the kingdom of Bahar, does not even name the name of Shitabroy. There was an English counsellor, a particular friend

friend of Mr. Hastings's there, under whose control Shitabroy acted. Without any charges, without any orders from the Company, Mr. Hastings dragged down that same Shitabroy, and in the same ignominious prison he kept him the same length of time, that is, one year and three months, without trial; and when the trial came on, there was as much appearance of collusion in the trial as there was of rigour in the previous process. This is the manner, in which Mr. Hastings executed the command of the Company for removing Mahomet Reza Khân.

When a successour to Mahomet Reza Khân was to be appointed, your Lordships naturally expect from the character I have given of him, and from the nature of his functions, that Mr. Hastings would be particularly precise, would use the utmost possible care in nominating a person to succeed him, who might fulfil the ends and objects of his employment; and be, at the same time, beyond all doubt and suspicion of corruption in any way whatever. Let us now see how he fills up that office thus vacant. When the Company ordered Mahomet Reza Khân to be dispossessed of his office, they ordered at the same time, that the salary of his successour should be reduced; that 30,000*l.* was a sufficient recompence for that office. Your Lordships will see by the allowance for the office, even reduced

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as it was, that they expected some man of great eminence, of great consequence, and fit for those great and various trusts. They cut off the dewannee from it, that is, the collection of the revenues; and having lessened his labours, they lessened his reward: they ordered, that this person, who was to be guardian of the Nabob in his minority, and who was to represent the government, should have but 30,000 *l.* The order they give is this:

"And that as Mahomet Reza Khân can no longer be considered by us as one, to whom such a power can safely be committed, we trust to your local knowledge the selection of some person well qualified for the affairs of government, and of whose attachment to the Company you shall be well assured.—Such person you will recommend to the Nabob, to succeed Mahomet Reza, as minister of the government, and guardian of the Nabob's minority; and we persuade ourselves, that the Nabob will pay such regard to your recommendation as to invest him with the necessary power and authority.

"As the advantages, which the Company may receive from the appointment of such minister, will depend on his readiness to promote our views and advance our interest, we are willing to allow him so liberal a gratification as may excite his zeal, and ensure his attachment to the Company;

pany; we therefore empower you to grant to the person, whom you shall think worthy of this trust, an annual allowance, not exceeding three lacks of rupees, which we consider not only as a munificent reward for any services he shall render the Company, but sufficient to enable him to support his station with suitable rank and dignity. "And here we must add, that in the choice you shall make of a person to be the active minister of the Nabob's government, we hope and trust, that you will show yourselves worthy of the confidence we have placed in you by being actuated therein by no other motives than those of the publick good, and the safety and interest of the Company."

My Lords, here they have given a reward, and they have described a person fit to succeed in all capacities the man, whom they had thought fit to depose. Now, as we have seen how Mr. Hastings obeyed the Company's orders in the manner of removing Mahomet Reza Khân from his office; let us see how he obeyed their order for filling it up. Your Lordships will naturally suppose, that he made all the orders of Mahometan and Hindoo princes to pass in strict review before him; that he had considered their age, authority, dignity, the goodness of their manners; and upon the collation of all these circumstances had chosen a person fit to be a regent to guard

guard the Nabob's minority from all rapacity whatever, and fit to instruct him in every thing. I will give your Lordships Mr. Hastings's own idea of the person necessary to fill such offices:

"That his rank ought to be such, as at least "ought not to wound the Nabob's honour, or "lessen his credit in the estimation of the peo-"ple by the magisterial command, which the "new guardian must exercise over him; with "abilities and vigour of mind equal to the sup-"port of that authority; and the world will "expect, that the guardian be especially quali-"fied by his own acquired endowments to dis-"charge the duties of that relation in the "education of his young pupil, to inspire him "with sentiments suitable to his birth, and to "instruct him in the principles of his religion."

This, upon another occasion, is Mr. Hastings's sense of the man, who ought to be placed in that situation of trust, in which the Company ordered him to place him. Did Mr. Hastings obey that order? No, my Lords, he appointed no man to fill that office. What, no man at all! No; he appointed no person at all in the sense, which is mentioned there, which constantly describes a person at least of the male sex: he appointed a woman to fill that office; he appointed a woman in a country where no woman can be seen, where no woman can be spoken to by any one without

a curtain

a curtain between them; for all these various duties, requiring all these qualifications described by himself, he appointed a woman. Do you want more proof than this violent transgression of the Company's orders upon that occasion, that some corrupt motive must have influenced him?

My Lords, it is necessary for me to state the situation of the family, that you may judge from thence of the corrupt motives of Mr. Hastings's proceedings. The Nabob Jaffier Ali Khân had, among the women of his seraglio, a person called Munny Begum; she was a dancing girl, whom he had seen at some entertainment; and as he was of a licentious turn, this dancing girl, in the course of her profession as a prostitute, so far inveigled the Nabob, that having a child, or pretending to have had a child by him, he brought her into the seraglio; and the Company's servants sold to that son the succession of that father. This woman had been sold as a slave; her profession a dancer, her occupation a prostitute. And, my Lords, this woman having put her natural son, as we state, and shall prove, in the place of the legitimate offspring of the Nabob; having got him placed by the Company's servants on the musnud, she came to be at the head of that part of the household, which relates to the women; which is a large and considerable

trust

trust in a country where polygamy is admitted, and where women of great rank may possibly be attended by two thousand of the same sex in inferiour situations. As soon as the legitimate son of the Nabob came to the musnud, there was no ground for keeping this woman any longer in that situation; and upon an application of the Company to Mahomet Reza Khân, to know who ought to have the right of superiority; he answered, as he ought to have done, that though all the women of the seraglio ought to have honour, yet the mother of the Nabob ought to have the superiority of it. Therefore, this woman was removed, and the mother of the Nabob was placed in her situation. In that situation Mr. Hastings found the seraglio. If his duties had gone no further than the regulation of an eastern household, he ought to have kept the Nabob's mother there by the rules of that country.

What did he do? Not satisfied with giving to this prostitute every favour, that she could desire, (and money must be the natural object of such a person) Mr. Hastings deposes the Nabob's own mother, turns her out of the employment, and puts at the head of the seraglio this prostitute, who at the best, in relation to him, could only be a step mother. If you heard no more, do your Lordships want any thing further to convince you, that this must be a violent, atrocious, and

and corrupt act? suppose it had gone no further than the seraglio. But, when I call this woman a dancing girl, I state something lower than Europeans have an idea of respecting that situation. She was born a slave, bred a dancing girl. Her dancing was not any of those noble and majestick movements, which make part of the entertainment of the most wise, of the education of the most virtuous, which improve the manners without corrupting the morals of all civilized people; and of which, among uncivilized people, the professors have their due share of admiration; but these dancers were not decent to be seen, nor fit to be related. I shall pass them by. Your Lordships are to suppose the lowest degree of infamy in occupation and situation, when I tell you, that Munny Begum was a slave, and a dancing girl.

The history of the Munny Begum is this: "At a village called Balcunda, near Sekindra, there lived a widow, who, from her great poverty, not being able to bring up her daughter Munny, gave her to a slave girl belonging to Summin Ally Cawn, whose name was Bissoo. During the space of five years she lived at Shahjehunabad, and was educated by Bissoo after the manner of a dancing girl. Afterwards the Nabob Shamut Jung, upon the marriage of Ikram ul Dowlah, brother to the Nabob Surage ul Dowlah,

sent

sent for Bissoo Beg's set of dancing girls from Shahjehanabad, of which Munny Bhegum was one, and allowed them 10,000 rupees for their expenses, to dance at the wedding. While the ceremony was celebrating, they were kept by the Nabob; but some months afterwards he dismissed them, and they took up their residence in this city. Meer Mahomed Jaffier Cawn then took them into keeping, and allowed Munny and her set 500 rupees per month; till at length finding, that Munny was pregnant, he took her into his own house. She gave birth to the Nabob Nijum ul Dowlah, and in this manner has she remained in the Nabob's family ever since."

Now it required a very peculiar mode of selection to take such a woman, so circumstanced (resembling whom there was not just such another) to depose the Nabob's own mother from the superiority of the household, and to substitute this woman. It would have been an abominable abuse, and would have implied corruption in the grossest degree, if Mr. Hastings had stopped there; he not only did this, but he put *her*, this woman, in the very place of Mahomet Reza Khân; he made her guardian, he made her regent, he made her viceroy, he made her the representative of the native government of the country in the eyes of strangers. There was not a trust, not a dignity in the country, which

which he did not put, during the minority of this unhappy person, her step-son, into the hands of this woman.

Reject, if you please, the strong presumption of corruption in disobeying the order of the Company directing him to select a *man* fit to supply the place of Mahomet Reza Khân, to exercise all the great and arduous functions of government, and of justice, as well as the regulations of the Nabob's household; and then I will venture to say, that neither your Lordships, nor any man living, when he hears of this appointment, does or can hesitate a moment in concluding, that it is the result of corruption, and that you only want to be informed, what the corruption was. Here is such an arrangement as, I believe, never was before heard of—a secluded woman in the place of a man of the world: a fantastick dancing girl in the place of a grave magistrate: a slave in the place of a woman of quality: a common prostitute made to superintend the education of a young prince: and a step-mother, a name of horrour in all countries, made to supersede the natural mother, from whose body the Nabob had sprung!

These are circumstances, that leave no doubt of the grossest and most flagrant corruption; but was there no application made to Mr. Hastings upon that occasion? The Nabob's uncle,

whom Mr. Hastings declares to be a man of no dangerous ambition, no alarming parts, no one quality, that could possibly exclude him from that situation, makes an application to Mr. Hastings for that place, and was by Mr. Hastings rejected. The reason he gives for his rejection is, because he cannot put any man in it without danger to the Company, who had ordered him to put a man into it. One would imagine the trust to be placed in him was such as enabled him to overturn the Company in a moment. Now the situation, in which the Nabob's uncle, Zeteram O'Dowlah would have been placed, was this; he would have had no troops, he would have had no treasury, he would have had no collections of revenue, nothing in short, that could have made him dangerous; but he would have been an absolute pensioner and dependent upon the Company, though in high office; and the least attempt to disturb the Company, instead of increasing, would have been subversive of his own power. If Mr. Hastings should still insist, that there might be danger from the appointment of a man, we shall prove, that he was of opinion, that there could be no danger from any one; that the Nabob himself was a mere shadow—a cipher, and was kept there only to soften the English government in the eyes and opinion of the natives. My Lords, I will detail these

these circumstances no further, but will bring some collateral proofs to show, that Mr. Hastings was at that very time conscious of the wicked and corrupt act he was doing. For, besides this foolish principle of policy, which he gives as a reason for defying the orders of the Company, and for insulting the country, that had never before seen a woman in that situation, and *his* declaration to the Company, that their government cannot be supported by private justice (a favourite maxim, which he holds upon all occasions) besides these reasons, which he gave for his politick injustice, he gives the following; the Company had ordered, that 30,000*l.* should be given to the person appointed. He knew, that the Company could never dream of giving this woman 30,000*l.* a year, and he makes use of that circumstance to justify him in putting her in that place; for, he says, the Company, in the distressed state of its affairs, could never mean to give 30,000*l.* a year for the office, which they order to be filled; and accordingly, upon principles of economy, as well as upon principles of prudence, he sees there could be no occasion for giving this salary, and that it will be saved to the Company. But no sooner had he given her the appointment, than that appointment became a ground for giving her that money. The moment he had appointed

her, he overturns the very principle, upon which he had appointed her, and gives the 30,000*l.* to her, and the officers under her, saving not one shilling to the Company by this infamous measure, which he justified only upon the principle of economy. The 30,000*l.* was given, the principle of economy vanished, a shocking arrangement was made, and Bengal saw a dancing girl administering its justice, presiding over all its remaining power, wealth, and influence, exhibiting to the natives of the country their miserable state of degradation, and the miserable dishonour of the English Company in Mr. Hastings's abandonment of all his own pretences.'

But there is a still stronger presumption; the Company ordered, that this person, who was to have the management of the Nabob's revenue, and who was to be his guardian, should keep a strict account, which account should be annually transmitted to the Presidency, and by the Presidency to Europe; and the purpose of it was to keep a control upon the reduced expenses of the sixteen lack, which were ordered in the manner I mentioned. Your Lordships will naturally imagine, that that control was kept safe; no, here is the order of the Directors, and you will see how Mr. Hastings obeyed it.

"As the disbursements of the sums allotted

"to

" to the Nabob for the maintenance of his
" household, and family, and the support of his
" dignity, will pass through the hands of the
" minister, who shall be selected by you, con-
" formable to our preceding orders, we expect,
" that you will require such minister to deliver
" annually to your Board a regular and exact
" account of the application of the several sums
" paid by the Company to the Nabob. This
" you will strictly examine; and we trust, that
" you will not suffer any part of the Nabob's
" stipend to be appropriated to the minister's
" own use, or wasted among the unnecessary
" dependents of the court; but, that the whole
" amount be applied to the purposes, for which
" it was assigned by us."

One would have imagined, that after Mr. Hastings had made so suspicious an arrangement (I will not call it by any worse name) he would have removed all suspicion with regard to money; that he would have obeyed the Company by constituting the control, which they had ordered to be placed over a man, even a fit man, and a man worthy of the trust committed to him. But what is his answer, when three years after he is desired to produce this account? his answer is—" I can save the Board
" the trouble of this reference by acquainting
" them, that no such accounts have ever been

"transmitted, nor, as I can affirm with most "certain knowledge, any orders given for that "purpose, either to Goordass, to whose office it "did not properly belong, nor to the Begum, "who had the actual charge and responsibility "of those disbursements."

He has given to this woman the charge of all the disbursements of the Company. The officer, whom you would imagine would be responsible, was not responsible; but, to this prostitute and dancing girl the whole of the revenue was given. When he was ordered to transmit that account, he not only did not produce that account, but had given no order, that it should be kept; so that no doubt can be left upon your Lordships' minds, that the sixteen lack, which were reserved for the support of the dignity of the government of that country, were employed for the purpose of Mr. Hastings's having a constant bank, from which he should draw every corrupt emolument he should think fit for himself and his associates. Thus your Lordships see, that he appointed an improper person to the trust without any control; and that the very accounts, which were to be the guardians of his purity, and which were to remove suspicion from him, he never so much as directed or ordered. If any one can doubt, that that transaction was in itself corrupt, I can only say, that his mind must be

be constituted in a manner totally different from that, which prevails in any of the higher or lower branches of judicature in any country in the world. The suppression of an account is a proof of corruption.

When Mr. Hastings committed these acts of violence against Mahomet Reza Khân, when he proceeded to make arrangements in the Company's affairs of the same kind with those, in which corruption had been before exercised, he was bound by a particular responsibility, that there should be nothing mysterious in his own conduct; and that at least all the accounts should be well kept. He appointed a person nominally for that situation, namely, the Rajah Goordass. Who was he? A person acting, he says, under the influence of Rajah Nundcomar, whom he had declared was not fit to be employed or trusted; all the offices were filled by him. But had Rajah Goordass, whose character is that of an excellent man, against whom there could lie no reasonable objection on account of his personal character; and whose want of talents was to be supplied by those of Nundcomar; (and of *his* parts Mr. Hastings spoke as highly as possible) had he, I say, the management? No; but Munny Begum. Did she keep any accounts? No; Mr. Hastings was ordered, and a very disagreeable and harsh order it was, to

take away one half of the Nabob's allowance, which he had by treaty. I do not charge Mr. Hastings with this reduction; he had nothing to do with that. Sixteen lack were cut off, and sixteen left; these two sums had been distributed, one for the support of the seraglio, and the dignity of the state; the other for the court establishment, and the household. The sixteen lack, which was left, therefore, required to be well economized, and well administered. There was a rigour in the Company's order relative to it, which was, that it should take place from an antedated time, that is, a whole year prior to the communication of their order to the Nabob. The order was, that the Nabob's stipend should be reduced to sixteen lack a year from the month of January. Mr. Hastings makes this reflection upon it, in order to leave no doubt upon your mind of his integrity in administering that great trust; he says:

"Your order for the reduction of the Nabob's "stipend was communicated to him in the month "of December 1771. He remonstrated against "it, and desired it might be again referred to "the Company. The Board entirely acqui-"esced in his remonstrance, and the subsequent "payments of his stipend were paid as before. "I might easily have availed myself of this plea. "I might have treated it as an act of the past "government,

"government, with which I had no cause to
"interfere, and joined in asserting the impos-
"sibility of his defraying the vast expense of
"his court and household without it, which
"I could have proved by plausible arguments,
"drawn from the actual amount of the Nizamut
"and Behla establishments; and both the
"Nabob and Begum would have liberally pur-
"chased my forbearance. Instead of pursuing
"this plan, I carried your orders rigidly and
"literally into execution. I undertook myself
"the laborious and reproachful task of limiting
"his charges, from an excess of his former sti-
"pend, to the sum of his reduced allowance."

He says, in another place,

"The stoppage of the King's tribute was an act of mine. † * * * * for the remainder."

My Lords, I believe it is a singular thing, and what your Lordships have been very little used to, to see a man in the situation of Mr. Hastings, or in any situation like it, so ready in knowing all the resources, by which sinister emolument may be made, and concealed, and which, under pretences of publick good, may be transferred into the pocket of him, who uses those pretences. He is resolved, if he is innocent, that his innocence shall not proceed from ignorance. He well knows the ways of falsifying the Company's

† *Document not found.*

pany's accounts; he well knows the necessities of the natives, and he knows, that, by paying a part of their dues, they will be ready to give an acquittance of the whole. These are parts of Mr. Hastings's knowledge, of which your Lordships will see he also well knows how to avail himself.

But, you would expect, when he reduced the allowance to sixteen lack, and took credit to himself as if he had done the thing, which he professed, and had argued from his rigour and cruelty his strict and literal obedience to the Company, that he had in reality done it. The very reverse; for it will be in proof, that, after he had pretended to reduce the Company's allowance, he continued it a twelvemonth from the day, in which he said he had entirely executed it, to the amount of 90,000*l.* and entered a false account of the suppression in the Company's accounts; and when he has taken a credit, as under pretence of reducing that allowance, he paid 90,000*l.* more than he ought. Can you then have a doubt, after all these false pretences, after all this fraud, fabrication and suppression, which he made use of, that that 90,000*l.* of which he kept no account, and transmitted no account, was money given to himself for his own private use and advantage?

This is all, that I think necessary to state to your

your Lordships upon this monstrous part of the arrangement; and therefore, from his rigorous obedience in cases of cruelty, and where control was directed, from his total disobedience, and from his choice of persons, from his suppression of the accounts, that ought to have been produced; and falsifying the accounts, that were kept, there arises a strong inference of corruption. When your Lordships see all this in proof, your Lordships will justify me in saying, that there never was (taking every part of the arrangement) such a direct open violation of any trust. I shall say no more with regard to the appointment of Munny Begum.

My Lords, here ended the first scene, and here ends that body of presumption arising from the transaction, and inherent in it. My Lords, the next scene, that I am to bring before you, is the positive proof of corruption in this transaction, in which I am sure, you already see, that corruption must exist. The charge was brought by a person in the highest trust and confidence with Mr. Hastings, a person employed in the management of the whole transaction; a person, to whom the management, subordinate to Munny Begum, of all the pecuniary transactions, and all the arrangements made upon that occasion, was intrusted.

On the 11th day of March 1775, Nundcomar gives to Mr. Francis, a member of the Council, a charge

a charge against Mr. Hastings, consisting of two parts. The first of these charges was a vast number of corrupt dealings, with respect to which he was the informer, not the witness, but to which he indicated the modes of inquiry; and they are corrupt dealings, as Mr. Hastings himself states them, amounting to millions of rupees; and in transactions, every one of which implies in it the strongest degree of corruption.

The next part was of those, to which he was not only an informer but a witness, in having been the person, who himself transmitted the money to Mr. Hastings, and the agents of Mr. Hastings; and accordingly upon this part, which is the only part we charge, his evidence is clear and full, that he gave the money to Mr. Hastings; he and the Begum (for I put them together). He states, that Mr. Hastings received for the appointment of Munny Begum to the Rajahship two lacks of rupees, or about 22,000 *l.*: and that he received in another gross sum one lack and a half of rupees, in all making three lack and a half, or about 36,000 *l.* This charge was signed by the man, and accompanied with the account.

Mr. Hastings, on that day, made no reflection or observation whatever upon this charge, except that he attempted to excite some suspicion, that Mr. Francis, who had produced it, was concerned in the charge, and was the principal

cipal mover in it. He asks Mr. Francis that day this question:

"The Governour General observes, as Mr. Francis has been pleased to inform the Board, that he was unacquainted with the contents of the letter sent in to the Board by Nundcomar; that he thinks himself justified in carrying his curiosity further than he should have permitted himself without such a previous intimation; and therefore begs leave to ask Mr. Francis, whether he was, before this, acquainted with Nundcomar's intention of bringing such charges against him before the Board.

"Mr. Francis.—As a member of this Council, I do not deem myself obliged to answer any question of meer curiosity. I am willing, however, to inform the Governour General, that though I was totally unacquainted with the contents of the paper I have now delivered in to the Board, 'till I heard it read, I did apprehend in general, that it contained some charge against him. It was this apprehension, that made me so particularly cautious in the manner of receiving the Raja's letter. I was not acquainted with Raja Nundcomar's intention of bringing in such charges as are mentioned in the letter.

"Warren Hastings.—J. Clavering.—Geo. Monson.—P. Francis."

Now what the duty of Mr. Hastings and the Council

Council was upon receiving such information, I shall beg leave to state to your Lordships from the Company's orders: but, before I read them, I must observe, that in pursuance of an Act of Parliament, which was supposed to be made upon account of the neglect of the Company, as well as the neglects of their servants, and for which general neglects responsibility was fixed upon the Company for the future, while for the present their authority was suspended, and a parliamentary commission sent out to regulate their affairs, the Company did, upon that occasion, send out a general code and body of instructions to be observed by their servants; in the 35th paragraph of which it is said,

"We direct, that you immediately cause the "strictest inquiry to be made into all oppres- "sions, which may have been committed either "against the natives, or Europeans; and into "all abuses, that may have prevailed in the "collection of the revenues, or any part of the "civil government of the Presidency; and that "you communicate to us all information, which "you may be able to learn relative thereto, or "to any dissipation or embezzlement of the "Company's money."

Your Lordships see here, that there is a direct duty fixed upon them to forward, to promote, to set on foot, without exception of any persons whatever,

whatever, an inquiry into all manner of corruption, peculation, and oppression. Therefore this charge of Nundcomar's was a case exactly within the Company's orders; such a charge was not sought out, but was actually laid before them; but if it had not been actually laid before them; if they had any reason to suspect, that such corruptions existed, they were bound by this order to make an active inquiry into them. Upon that day (11 March 1775) nothing further passed; and, on the part of Mr. Hastings, that charge, as far as we can find, might have stood upon the records for ever, without his making the smallest observation upon it, or taking any one step to clear his own character. But Nundcomar was not so inattentive to his duties as an accuser, as Mr. Hastings was to his duties as an inquirer; for without a moment's delay, upon the first Board day, two days after, Nundcomar came and delivered the following letter:

"I had the honour to lay before you, in "a letter of the 11th instant, an abstracted but "true account of the honourable Governour "in the course of his administration. What is "there written, I mean not the least to alter; "far from it. I have the strongest written "vouchers to produce in support of what I "have advanced: and I wish and entreat, for "my honour's sake, that you will suffer me to

"appear

"appear before you, to establish the fact by an "additional incontestible evidence."

My Lords, I will venture to say, if ever there was an accuser, that appeared well and with weight before any court, it was this man. He does not shrink from his charge; he offered to meet the person he charged, face to face, and to make good his charge by his own evidence, and further evidence, that he should produce. Your Lordships have also seen the conduct of Mr. Hastings on the first day; you have seen his acquiescence under it; you have seen the suspicion he endeavoured to raise. Now, before I proceed to what Mr. Hastings thought of it, I must remark upon this accusation, that it is a specifick accusation, coming from a person knowing the very transaction, and known to be concerned in it; that it was an accusation in writing, that it was an accusation with a signature, that it was an accusation with a person to make it good, that it was made before a competent authority, and made before an authority bound to inquire into such accusation. When he comes to produce his evidence, he tells you, first, the sums of money given, the species, in which they were given, the very bags, in which they were put, the exchange, that was made by reducing them to the standard money of the country; he names all the persons, through whose

whose hands the whole transaction went, eight in number, besides himself, Munny Begum, and Goordass, being eleven, all referred to in this transaction. I do believe, that, since the beginning of the world, there never was an accusation, which was more deserving of inquiry, because there never was an accusation, which put a false accuser in a worse situation, and that put an honest defendant in a better; for there was every means of collation—every means of comparison—every means of cross examining—every means of control. There was every way of sifting evidence, in which evidence could be sifted. Eleven witnesses to the transaction are referred to; all the particulars of the payment, every circumstance, that could give the person accused the advantage of showing the falsehood of the accusation, were specified. General accusations may be treated as calumnies, but particular accusations, like these, afford the defendant, if innocent, every possible means for making his defence; therefore the very making no defence at all would prove, beyond all doubt, a consciousness of guilt.

The next thing for your Lordships' consideration is the conduct of Mr. Hastings upon this occasion. You would imagine, that he would have treated the accusation with a cold and manly disdain; that he would have chal-

lenged and defied inquiry, and desired to see his accuser face to face! This is what any man would do in such a situation. I can conceive very well, that a man composed, firm, and collected in himself, conscious of not only integrity, but known integrity; conscious of a whole life beyond the reach of suspicion:—that a man, placed in such a situation, might oppose general character to general accusation, and stand collected in himself, poised on his own base, and defying all the calumnies in the world. But as it shows a great and is a proof of a virtuous mind to despise calumny, it is the proof of a guilty mind to despise a specifick accusation, when made before a competent authority, and with competent means to prove it. As Mr. Hastings's conduct was what no man living expected, I will venture to say, that no expression can do it justice but his own. Upon reading the letter, and a motion being made, that Rajah Nundcomar be brought before the Board to prove the charge against the Governour General;

The Governour General enters the following Minute:—

"Before the question is put, I declare, that I will not suffer Nundcomar to appear before the Board as my accuser. I know what belongs to the dignity and character of the first member

of

of this administration. I will not sit at this Board in the character of a criminal, nor do I acknowledge the members of this Board to be my judges. I am reduced, on this occasion, to make the declaration, that I look upon General Clavering, Colonel Monson, and Mr. Francis, as my accusers. I cannot prove this in the direct letter of the law, but in my conscience I regard them as such, and I will give my reasons for it. On their arrival at this place, and on the first formation of the Council, they thought proper to take immediate and decisive measures, in contradiction, and for the repeal, of those, which were formed by me in conjunction with the last administration. I appealed to the Court of Directors from their acts. Many subsequent letters have been transmitted both by them and by me to the Court of Directors. By me, in protestation against their conduct; by them, in justification of it. Quitting this ground, they since appear to me to have chosen other modes of attack, apparently calculated to divert my attention, and to withdraw that of the publick from the subject of our first differences, which regarded only the measures, that were necessary for the good of the service; to attacks directly and personally levelled at me for matters, which tend to draw a personal and popular odium upon me: and fit instru-

ments they have found for their purpose, Mr. Joseph Fowke, Mahrajah Nundcomar, Roopnarain Chowdry, and the Ranny of Burdwan.

"It appears incontestibly upon the Records, that the charges, preferred by the Ranny against me, proceeded from the office of Mr. Fowke; all the papers, transmitted by her, came in their original form written in the English language, some with Persian papers, of which they were supposed to be translations, but all strongly marked with the character and idiom of the English language. I applied on Saturday last for Persian originals of some of the papers sent by her, and I was refused: I am justified in declaring my firm belief, that no such originals exist.

"With respect to Nundcomar's accusations, they were delivered by the hands of Mr. Francis, who has declared, that he was called upon by Rajah Nundcomar, as a duty belonging to his office as a councillor of this State, to lay the packet, which contained them, before the Board. That he conceived, that he could not, consistent with his duty, refuse such a letter at the instance of a person of the Rajah's rank, and did accordingly receive it, and laid it before the Board; declaring at the same time, that he was unacquainted with the contents of it. I believe, that the Court of Directors, and those,

those, to whom these proceedings shall be made known, will think differently of this action of Mr. Francis: that Nundcomar was guilty of great insolence and disrespect in the demand, which he made of Mr. Francis; and that it was not a duty belonging to the office of a councillor of this State to make himself the carrier of a letter, which would have been much more properly committed to the hands of a peon or hircarra, or delivered by the writer of it to the secretary himself.

" Mr. Francis has acknowledged, that he apprehended in general, that it contained some charge against me. If the charge was false it was a libel; it might have been false for any thing, that Mr. Francis could know to the contrary, since he was unacquainted with the contents of it. In this instance therefore he incurred the hazard of presenting a libel to the Board; this was not a duty belonging to his office as a councillor of this State. I must further inform the Board, that I have been long since acquainted with Nundcomar's intentions of making this attack upon me. Happily Nundcomar, among whose talents for intrigue that of secrecy is not the first, has been ever too ready to make the first publication of his own intentions. I was shown a paper containing many accusations against me, which I was told was

carried by Nundcomar to Colonel Monson, and that he himself was employed for some hours in private with Colonel Monson, explaining the nature of those charges.

" I mention only what I was told; but as the rest of the report, which was made to me, corresponds exactly with what has happened since, I hope I shall stand acquitted to my superiours and to the world in having given so much credit to it, as to bring the circumstance upon record. I cannot recollect the precise time, in which this is said to have happened, but I believe it was either before or at the time of the dispatch of the Bute and Pacifick. The charge has since undergone some alteration; but of the copy of the paper, which was delivered to me, containing the original charge, I caused a translation to be made: when suspecting the renewal of the subject in this day's consultation, I brought it with me, and I desire it may be recorded, that when our superiours, or the world, if the world is to be made the judge of my conduct, shall be possessed of these materials, they may, by comparing the supposed original and amended list of accusations preferred against me by Nundcomar, judge how far I am justified in the credit, which I give to the reports above mentioned. I do not mean to infer from what I have said, that it makes any alteration in the nature of the charges, whether

whether they were delivered immediately from my ostensible accusers, or whether they came to the Board through the channel of patronage; but it is sufficient to authorize the conviction, which I feel in my own mind, that those gentlemen are parties in the accusations, of which they assert the right of being the judges. From the first commencement of this administration every means have been tried both to deprive me of the legal authority, with which I have been trusted, and to proclaim the annihilation of it to the world; but no instance has yet appeared of this in so extraordinary a degree as in the question now before the Board. The chief of the administration, your superiour, gentlemen, appointed by the Legislature itself, shall I sit at this Board to be arraigned in the presence of a wretch, whom you all know to be one of the basest of mankind? I believe I need not mention his name; but it is Nundcomar. Shall I sit here to hear men collected from the dregs of the people give evidence, at his dictating, against my character and conduct? I will not; you may if you please form yourselves into a committee for the investigation of these matters in any manner, which you may think proper; but I will repeat, that I will not meet Nundcomar at the Board, nor suffer Nundcomar to be examined at the Board; nor have you a right

to it, nor can it answer any other purpose than that of vilifying, and insulting me to insist upon it.

"I am sorry to have found it necessary to deliver my sentiments on a subject of so important a nature in an unpremeditated minute drawn from me at the Board, which I should have wished to have had leisure and retirement to have enabled me to express myself with that degree of caution and exactness, which the subject requires. If I have said nothing but what I believe, and am morally certain, I shall stand justified for in the eyes of my superiours and the eyes of the world; but I reserve to myself the liberty of adding my further sentiments in such a manner and form as I shall hereafter judge necessary."

My Lords, you see here the picture of Nundcomar drawn by Mr. Hastings himself—you see the hurry, the passion, the precipitation, the confusion, into which Mr. Hastings is thrown by the perplexity of detected guilt—you see, my Lords, that instead of defending himself, he rails at his accuser in the most indecent language, calling him a wretch, whom they all knew to be the basest of mankind—that he rails at the Council by attributing their conduct to the worst of motives; that he rails at every body, and declares the accusation to be a libel: in short you

see

see plainly, that the man's head is turned. You see there is not a word he says upon this occasion, which has common sense in it; you see one great leading principle in it, that he does not once attempt to deny the charge; he attempts to vilify the witness, he attempts to vilify those he supposes to be his accusers, he attempts to vilify the Council; he lags upon the accusation, he mixes it with other accusations, which had nothing to do with it, and out of the whole he collects a resolution, to do what? to meet his adversary and defy him? No, that he will not suffer him to appear before him: he says, "I will not sit "at this Board in the character of a criminal, "nor do I acknowledge the Board to be my "judges."

He was not called upon to acknowledge them to be his judges; both he and they were called upon to inquire into all corruptions without exception; it was his duty not merely to traverse and oppose them, while inquiring into acts of corruption, but he was bound to take an active part in it; that if they had a mind to let such a thing sleep upon their records, it was his duty to have brought forward the inquiry. They were not his judges, they were not his accusers; they were his fellow labourers in the inquiry ordered by the Court of Directors, their masters, and by which inquiry he might be purged of that corruption, with which he stood charged.

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He says, Nundcomar is a wretch, whom you all know to be the basest of mankind. I believe they did not know the man to be a wretch or the basest of mankind; but if he was a wretch, and if he was the basest of mankind, if he was guilty of all the crimes, with which we charge Mr. Hastings (not one of which was ever proved against him,) if any of your Lordships were to have the misfortune to be before this tribunal, before any inquest of the House of Commons, or any other inquest of this nation, would you not say, that it was the greatest possible advantage to you, that the man, who accused you, was a miscreant, the vilest and basest of mankind, by the confession of all the world? Do mankind really then think, that to be accused by men of honour, of weight, of character, upon probable charges, is an advantage to them, and that to be accused by the basest of mankind is a disadvantage? No; give me, if ever I am to have accusers, miscreants, as he calls him—wretches, the basest and vilest of mankind. The Board (says he) are my accusers; if they were, it was their duty; but they were not his accusers, but were inquiring into matters, which it was equally his duty to inquire into. He would not suffer Nundcomar to be produced, he would not suffer Nundcomar to be examined; he rather suffered such an accusation to stand against his name and character, than permit it to be inquired into.

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Do I want any other presumption of his guilt upon such an occasion, than such a conduct as this? This man, whom he calls a wretch, the basest and vilest of mankind, was undoubtedly by himself, in the records of the Company, declared to be one of the first men of that country; every thing, that a subject could be, a person illustrious for his birth, sacred with regard to his cast, opulent in fortune, eminent in situation, who had filled the very first offices in that country; and that he was, added to all this, a man of most acknowledged talents, and of such a superiority as made the whole people of Bengal appear to be an inferiour race of beings compared to him: a man, whose outward appearance and demeanour used to cause reverence and awe, and who, at that time, was near seventy years of age, which, without any other title, generally demands respect from mankind. And yet this man he calls the basest of mankind, a name, which no man is entitled to call another till he has proved something to justify him in so doing; and notwithstanding his opulence, his high rank, station, and birth, he despises him and will not suffer him to be heard as an accuser before him. I will venture to say, that Mr. Hastings in so doing, whether elevated by philosophy, or inflated by pride, is not like the rest of mankind. We do know, that in all accu-

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sations a great part of their weight and authority comes from the character, the situation, the name, the description, the office, the dignity of the persons, who bring them—mankind are so made—we cannot resist this prejudice; and it has weight, and ever will have *primâ facie* weight, in all the tribunals in the world. If, therefore, Rajah Nundcomar was a man, who (it is not degrading to your Lordships to say) was equal in rank, according to the idea of his country, to any peer in this House, as sacred as a bishop, of as much gravity and authority as a judge, and who was prime minister in the country, in which he lived; with what face can Mr. Hastings call this man a wretch, and say, that he will not suffer him to be brought before him. If indeed, joined with such circumstances, the accuser be a person of bad morals, then I admit those bad morals take away from their weight; but, for a proof of that, you must have some other grounds than the charges and the railing of the culprit against him.

I might say, that his passion is a proof of his guilt, and there is an action, which is more odious than the crimes he attempts to cover; *for he has murdered this man by the hands of Sir Elijah Impey*; and if his counsel should be unwise enough to endeavour to detract from the credit of this man by the pretended punishment,

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to which he was brought, we will open that dreadful scene to your Lordships; and you will see, that it does not detract from his credit, but brings an eternal stain and dishonour upon the justice of Great Britain: I say nothing further of it. As he stood there, as he gave that evidence that day, the evidence was to be received; it stands good, and is a record against Mr. Hastings, with this addition, that he would not suffer it to be examined. He railed at his colleagues. He says, if the charge was false they were guilty of a libel. No. It might have been the effect of conspiracy, it might be punished in another way; but if it was false, it was no libel. And all this is done to discountenance inquiry, to bring odium upon his colleagues for doing their duty, and to prevent that inquiry, which could alone clear his character. Mr. Hastings had himself forgotten the character, which he had given of Nundcomar; but he says, that his colleagues were perfectly well acquainted with him, and knew, that he was a wretch, the basest of mankind.

But before I read to you the character, which Mr. Hastings gave of him when he recommended him to the Presidency (to succeed Mahomet Reza Khân,) I am to let your Lordships understand fully the purpose, for which Mr. Hastings gave it. Upon that occasion all the Council, whom

whom he stated to lie under suspicion of being bought by Mahomet Reza Khân, all those persons with one voice cried out against Nundcomar; and as Mr. Hastings was known to be of the faction the most opposite to Nundcomar, they charged him with direct inconsistency in raising Nundcomar to that exalted trust; a charge, which Mr. Hastings could not repel any other way than by defending Nundcomar. The weight of their objections chiefly lay to Nundcomar's political character; his moral character was not discussed in that proceeding. Mr. Hastings says,

"The President does not take upon him to vindicate the moral character of Nundcomar; his sentiments of this man's former political conduct are not unknown to the Court of Directors, who, he is persuaded, will be more inclined to attribute his present countenance of him to motives of zeal and fidelity to the service, in repugnance perhaps to his own inclinations, than to any predilection in his favour. He is very well acquainted with most of the facts alluded to in the minute of the majority, having been a principal instrument in detecting them; nevertheless he thinks it but justice to make a distinction between the violation of a trust and an offence committed against our Government by a man, who owed it no allegiance,

giance, nor was indebted to it for protection, but, on the contrary, was the minister and actual servant of a master, whose interest naturally suggested that kind of policy, which sought by foreign aids, and the diminution of the power of the Company, to raise his own consequence, and to re-establish his authority. He has never been charged with any instance of infidelity to the Nabob Meer Jaffier, the constant tenour of whose politicks, from his first accession to the Nizamut 'till his death, corresponded in all points so exactly with the artifices, which were detected in his minister, that they may be as fairly ascribed to the one as to the other; their immediate object was beyond question the aggrandizement of the former, though the latter had ultimately an equal interest in their success. The opinion, which the Nabob himself entertained of the services and of the fidelity of Nundcomar, evidently appeared in the distinguished marks, which he continued to show him, of his favour and confidence to the latest hour of his life.

"His conduct in the succeeding administration appears not only to have been dictated by the same principles, but if we may be allowed to speak favourably of any measures, which opposed the views of our own Government, and aimed at the support of an adverse interest, surely

surely it was not only not culpable, but even praiseworthy. He endeavoured, as appears by the abstracts before us, to give consequence to his master, and to pave the way to his independence, by obtaining a Firmaun from the King for his appointment to the Subaship; and he opposed the promotion of Mahomet Reza Khân, because he looked upon it as a supercession of the rights and authority of the Nabob. He is now an absolute dependant and subject of the Company, on whose favour he must rest all his hopes of future advancement."

The character here given of him is that of an excellent patriot, a character, which all your Lordships in the several situations, which you enjoy, or to which you may be called, will envy; the character of a servant, who stuck to his master against all foreign encroachments; who stuck to him to the last hour of his life, and had the dying testimony of his master to his services.

Could Sir John Clavering, could Colonel Monson, could Mr. Francis know, that this man, of whom Mr. Hastings had given that exalted character upon the records of the Company, was the basest and vilest of mankind? No, they ought to have esteemed him the contrary; they knew him to be a man of rank, they knew him to be a man perhaps of the first

first capacity in the world; and they knew, that Mr. Hastings had given this honourable testimony of him on the records of the Company but a very little time before; and there was no reason why they should think or know, as he expresses it, that he was the basest and vilest of mankind. From the account therefore of Mr. Hastings himself, he was a person competent to accuse, a witness fit to be heard, and that is all I contend for. Mr. Hastings would not hear him, he would not suffer the charge he had produced to be examined into.

It has been shown to your Lordships, that Mr. Hastings employed Nundcomar to inquire into the conduct, and to be the principal manager of a prosecution against Mahomet Reza Khân. Will you suffer this man to qualify and disqualify witnesses and prosecutors agreeably to the purposes, which his own vengeance and corruption may dictate in one case, and which the defence of those corruptions may dictate in another. Was Nundcomar a person fit to be employed in the greatest and most sacred trusts in the country, and yet not fit to be a witness to the sums of money, which he paid Mr. Hastings for those trusts? Was Nundcomar a fit witness to be employed, and a fit person to be used in the prosecution of Mahomet Reza Khân, and yet not fit to be employed

against Mr. Hastings, who himself had employed him in the very prosecution of Mahomet Reza Khân?

If Nundcomar was an enemy to Mr. Hastings, he was an enemy to Mahomet Reza Khân; and Mr. Hastings employed him, avowedly and professedly on the records of the Company, on account of the very qualification of that enmity. Was he a wretch, the basest of mankind, when opposed to Mr. Hastings? Was he not as much a wretch, and as much the basest of mankind, when Mr. Hastings employed him in the prosecution of the first magistrate, and Mahommedan of the first descent in Asia? Mr. Hastings shall not qualify and disqualify men at his pleasure: he must accept them such as they are; and it is a presumption of his guilt accompanying the charge (which I never will separate from it) that he would not suffer the man to be produced, who made the accusation. And I therefore contend, that as the accusation was so made, so witnessed, so detailed, so specifick, so entered upon record; and so entered upon record in consequence of the inquiries ordered by the Company; his refusal and rejection of inquiry into it is a presumption of his guilt.

He is full of his idea of dignity. It is right for every man to preserve his dignity. There

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is a dignity of station, which a man has in trust to preserve; there is a dignity of personal character, which every man by being made man is bound to preserve. But you see, Mr. Hastings's idea of dignity has no connexion with integrity; it has no connexion with honest fame; it has no connexion with the reputation, which he is bound to preserve. What, my Lords, did he owe nothing to the Company, that had appointed him? Did he owe nothing to the Legislature? Did he owe nothing to your Lordships, and to the House of Commons, who had appointed him? Did he owe nothing to himself, to the country, that bore him? Did he owe nothing to the world, as to its opinion, to which every publick man owes a reputation? What an example was here held out to the Company's servants!

Mr. Hastings says, this may come into a court of justice: it will come into a court of justice; I reserve my defence on the occasion till it comes into a court of justice, and here I make no opposition to it. To this I answer, that the Company did not order him so to reserve himself; but ordered him to be an inquirer into those things. Is it a lesson to be taught to the inferiour servants of the Company, that provided they can escape out of a court of justice by the back doors and sally-ports of the law, by

artifice of pleading, by those strict and rigorous rules of evidence, which have been established for the protection of innocence, but which by them might be turned to the protection and support of guilt; and that such an escape is enough for them? That an Old Bailey acquittal is enough to establish a fitness for trust; and if a man shall go acquitted out of such a court, because the judges are bound to acquit him against the conviction of their own opinion, when every man in the market-place knows, that he is guilty—that he is fit for a trust? Is it a lesson to be held out to the servants of the Company, that upon the first inquiry, which is made into corruption, and that in the highest trust, by the persons authorized to inquire into it, he uses all the powers of that trust to quash it; vilifying his colleagues, vilifying his accuser, abusing every body, but never denying the charge? His associates and colleagues, astonished at this conduct, so wholly unlike every thing, that had ever appeared of innocence, request him to consider a little better. They declare, they are not his accusers; they tell him, they are not his judges; that they under the orders of the Company are making an inquiry, which he ought to make: he declares he will not make it. Being thus driven to the wall, he says, Why do you not form yourselves into

into a committee? I won't suffer these proceedings to go on as long as I am present. Mr. Hastings plainly had in view, that, if the proceedings had been before a committee, there would have been a doubt of their authenticity, as not being before a regular Board. And he contended, that there could be no regular Board without his own presence in it: a poor miserable scheme for eluding this inquiry; partly by saying, that it was carried on when he was not present, and partly by denying the authority of this Board.

I will have nothing to do with the great question, that arose upon the Governour General's resolution to dissolve a Board, whether the Board have a right to sit afterwards; it is enough, that Mr. Hastings would not suffer them as a Council to examine into what as a Council they were bound to examine into. He absolutely declared the Council dissolved, when they did not accept his committee; for which they had many good reasons, as I shall show in reply, if necessary, and which he could have no one good reason for proposing—he then declares the Council dissolved. The Council, who did not think Mr. Hastings had a power to dissolve them, while proceeding in the discharge of their duty, went on as a Council: they called in Nundcomar to support his charge; Mr. Hast-

ings withdrew. Nundcomar was asked, what he had to say further in support of his own evidence. Upon which he produces a letter from Munny Begum, the dancing girl, that I have spoken of, in which she gives him directions and instructions relative to his conduct in every part of those bribes; by which it appears, that the corrupt agreement for her office was made with Mr. Hastings through Nundcomar, before he had quitted Calcutta: it points out the execution of it, and the manner, in which every part of the sum was paid; one lack by herself in Calcutta; one lack, which she ordered Nundcomar to borrow, and which he did borrow; and a lack and a half, which were given to him, Mr. Hastings, besides this purchase money, under colour of an entertainment. This letter was produced, translated, examined, criticised, proved to be sealed with the seal of the Begum, acknowledged to have no marks but those of authenticity upon it; and, as such, was entered upon the Company's records, confirming and supporting the evidence of Nundcomar, part by part, and circumstance by circumstance. And I am to remark, that since this document, so delivered in, has never been litigated or controverted in the truth of it, from that day to this, by Mr. Hastings; so, if there was no more testimony, here is enough upon this business.

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Your Lordships will remark, that this charge consisted of two parts; two lacks, that were given explicitly for the corrupt purchase of the office; and one lack and a half given, in reality, for the same purpose, but under the colour of what is called an entertainment.

Now in the course of these proceedings it was thought necessary, that Mr. Hastings's Banyan, Cantoo Baboo (a name your Lordships will be well acquainted with, and who was the minister in this and all the other transactions of Mr. Hastings) should be called before the Board to explain some circumstances in the proceedings. Mr. Hastings ordered his Banyan, a native, not to attend the sovereign Board, appointed by Parliament for the government of that country, and directed to inquire into transactions of this nature. He thus taught the natives not only to disobey the orders of the Court of Directors, enforced by an Act of Parliament; but he taught his own servant to disobey, and ordered him not to appear before the Board. Quarrels, duels, and other mischiefs arose. In short, Mr. Hastings raised every power of heaven and of hell upon this subject, but in vain: the inquiry went on.

Mr. Hastings does not meet Nundcomar, he was afraid of him; but he was not negligent of his own defence, for he flies to the supreme

court of justice; he there prosecuted an inquiry against Nundcomar for a conspiracy. Failing in that, he made other attempts, and disabled Nundcomar from appearing before the Board by having him imprisoned, and thus utterly crippled that part of the prosecution against him. But as guilt is never able thoroughly to escape, it did so happen, that the Council finding monstrous deficiencies in the Begum's affairs; finding the Nabob's allowance totally squandered, that the most sacred pensions were left unpaid, that nothing but disorder and confusion reigned in all his affairs, that the Nabob's education was neglected, that he could scarcely read or write, that there was scarcely any mark of a man left in him, except those, which nature had at first imprinted;—I say, all these abuses being produced in a body before them, they thought it necessary to send up to inquire into them. And a considerable deficiency or embezzlement appearing in the Munny Begum's account of the young Nabob's stipend, she voluntarily declared, by a writing under her seal, that she had given 15,000*l.* to Mr. Hastings for an entertainment.

Mr. Hastings finding, that the charge must come fully against him, contrived a plan, (which your Lordships will see the effects of presently,) and this was to confound this lack and an half or 15,000*l.* with the two lacks given directly and

and specifically as a bribe; intending to avail himself of this finesse whenever any payment was to be proved of the two lacks, which he knew would be proved against him, and which he never did deny: and accordingly your Lordships will find some confusion in the proofs of the payment of those sums. The receipt of two lacks is proved by Nundcomar, proved with all the means of detection, which I have stated; the receipt of the lack and a half is proved by Munny Begum's letter, the authenticity of which was established, and never denied by Mr. Hastings. In addition to these proofs, Rajah Goordass, who had the management of the Nabob's treasury, verbally gave an account perfectly corresponding with that of Nundcomar, and the Munny Begum's letter; and he afterwards gave in writing an attestation, which in every point agrees correctly with the others. So that there are three witnesses upon this business. And he shall not disqualify Rajah Goordass, because whatever character he thought fit to give Nundcomar, he has given the best of characters to Rajah Goordass, who was employed by Mr. Hastings in occupations of trust; and therefore any objections to his competency cannot exist. Having got thus far, the only thing, that remained, was to examine the records of the public offices and see whether any trace of these transactions was to be found

found there. These offices had been thrown into confusion in the manner you will hear; but, upon strict inquiry, there was a *shomâster* or office paper produced, from which it appears, that the officer of the treasury, having brought to the Nabob an account of one lack and a half, which he said had been given to Mr. Hastings, desired to know from him, under what head of expense it should be entered; and that he, the Nabob, desired him to put it under the head of expenses for entertaining Mr. Hastings. If there had been a head of entertainment established, as a regular affair, the officer would never have gone to the Nabob and asked under what name to enter it; but he found an irregular affair, and he did not know what head to put it under. And from the whole of the proceedings it appears, that three lacks and a half were paid; two lack by way of bribe, one lack and a half under the colour of an entertainment. Mr. Hastings endeavours to invalidate the first obliquely, not directly, for he never directly denied it: and he partly admits the second, in hopes, that all the proof of payment of the first charge should be merged and confounded in the second. And therefore your Lordships will see from the beginning of that business till it came into the hands of Mr. Smith, his agent, then appearing in the name and character of agent and solicitor

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to the Company, that this was done to give some appearance and colour to it by a false representation, as your Lordships will see, of every part of the transactions.

The proof then of the two lacks rests upon the evidence of Nundcomar, the letter of Munny Begum, and the evidence of Rajah Goordass. The evidence of the lack and a half, by way of entertainment, was at first the same; and afterwards begins a series of proofs, to which Mr. Hastings has himself helped us. For, in the first place, he produces this office paper in support of his attempt to establish the confusion between the payment of the two lacks, and of the lack and a half. He did not himself deny, that he received a lack and a half, because with respect to that lack and a half he had founded some principle of justification. Accordingly this office paper asserts and proves this lack and a half to have been given, in addition to the other proofs. Then Munny Begum herself is inquired of. There is a commission appointed to go up to her residence; and the fact is proved to the satisfaction of Mr. Goring, the commissioner. The Begum had put a paper of accounts, through her son, into his hands, which shall be given at your Lordships' bar; in which she expressly said, that she gave Mr. Hastings a lack and a half for entertainment. But Mr. Hastings

Hastings objects to Mr. Goring's evidence upon this occasion. He wanted to supersede Mr. Goring in the inquiry; and he accordingly appoints, with the consent of the Council, two creatures of his own to go and assist in that inquiry. The question, which he directs these commissioners to put to Munny Begum, is this:—"Was the sum of money, charged by you to be given to Mr. Hastings, given under an idea of entertainment, customary, or upon what other ground, or for what other reason?" He also desires the following questions may be proposed to the Begum:—"Was any application made to you for the account, which you have delivered, of three lacks and a half of rupees, said to have been paid to the Governour and Mr. Middleton; or did you deliver the account of your own free will, and unsolicited?"

My Lords, you see, that with regard to the whole three lacks and a half of rupees the Begum had given an account, which tended to confirm the payment of them; but Mr. Hastings wanted to invalidate that account by supposing she gave it under restraint. The second question is—"In what manner was the application made to you, and by whom?" But the principal question is this, "On what account was the one lack and a half given to the Governour General, which you have laid to his account? Was it in

consequence

consequence of any requisition from him, or of any previous agreement, or of any established usage?" When a man asks concerning a sum of money, charged to be given to him by another person, on what account it was given, he does indirectly admit, that that money actually was paid, and wants to derive a justification from the mode of the payment of it; and accordingly that inference was drawn from the question so sent up, and it served as an instruction to Munny Begum; and her answer was, that it was given to him, as an ancient usage and custom, for an entertainment. So that the fact of the gift of the money is ascertained by the question put by Mr. Hastings to her, and her answer. And thus at last comes his accomplice in this business, and gives the fullest testimony to the lack and a half.

I must beg leave, before I go further, to state the circumstances of the several witnesses examined upon this business. They were of two kinds: voluntary witnesses; and accomplices, forced by inquiry and examination to discover their own guilt. Of the first kind were Nundcomar and Rajah Goordass; these were the only two, that can be said to be voluntary in the business, and who gave their information without much fear; though the last unwillingly, and with a full sense of the danger of doing it.

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The other was the evidence of his accomplice, Munny Begum, wrung from her by the force of truth, in which she confessed, that she gave the lack and a half, and justifies it upon the ground of its being a customary entertainment. Besides this, there is the evidence of Chittendur, who was one of Mr. Hastings's instruments, and one of the Begum's servants. He being prepared to confound the two lacks with the one lack and a half, says, upon his examination, that a lack and a half was given; but, upon examining into the particulars of it, he proves, that the sum he gave was two lacks, and not a lack and a half; for he says, that there was a dispute about the other half lack. Nundcomar demanded interest, which the Begum was unwilling to allow, and consequently that half lack remained unpaid. Now this half lack can be no part of the lack and a half, which is admitted on all hands, and proved by the whole body of concurrent testimony to have been given to Mr. Hastings in one lumping sum. When Chittendur endeavours to confound it with the lack and a half, he clearly establishes the fact, that it was a parcel of the two lacks; and thus bears evidence, in attempting to prevaricate in favour of Mr. Hastings, that one lack and a half was paid, which Mr. Hastings is willing to allow; but when he enters into the particulars

particulars of it, he proves by the subdivision of the payment, and by the non-payment of part of it, that it accords with the two lacks, and not with the lack and a half.

There are other circumstances in these accounts, highly auxiliary to this evidence. The lack and a half was not only attested by Rajah Goordass, by the Begum, by Chittendur, by the Begum again upon Mr. Hastings's own question; indirectly admitted by Mr. Hastings, proved by the orders for it to be written off to expense (such a body of proof as perhaps never existed;) but there is one proof still remaining, namely a paper, which was produced before the Committee, and which we shall produce to your Lordships. It is an authentic paper delivered in favour of Mr. Hastings by Major Scott, who acted at that time as Mr. Hastings's agent to a Committee of the House of Commons, and authenticated to come from Munny Begum herself. All this body of evidence we mean to produce; and we shall prove, first, that he received the two lacks;—and secondly, that he received one lack and a half under the name of entertainment. With regard to the lack and a half, Mr. Hastings is so far from controverting it, even indirectly, that he is obliged to establish it by testimonies produced by himself, in order to sink in that, if he can, the two lacks, which

which he thinks he is not able to justify, but which he fears will be proved against him. The lack and a half, I do believe, he will not be advised to contest, but whether he is or no, we shall load him with it; we shall prove it beyond all doubt. But there are other circumstances further auxiliary in this business, which, from the very attempts to conceal it, prove beyond doubt, the fraudulent and wicked nature of the transaction. In the account given by the Begum, a lack, which is for Mr. Hastings's entertainment, is entered in a suspicious neighbourhood; for there is there entered a lack of rupees, paid for the Soubadarry Sunnuds to the Mogul through the Rajah Shitabroy. Upon looking into the account, and comparing it with another paper produced, the first thing we find is, that this woman charges the sum paid, to be a sum due: and then she charges this one lack to have been paid, when the Mogul was in the hands of the Mahrattas, when all communication with him was stopped, and when Rajah Shitabroy, who is supposed to have paid it, was under confinement in the hands of Mr. Hastings. Thus she endeavours to conceal the lack of rupees paid to Mr. Hastings.

In order to make this transaction, which, though not in itself intricate, is in some degree made so by Mr. Hastings, clear to your Lordships,

ships, we pledge ourselves to give to your Lordships, what must be a great advantage to the culprit himself, a syllabus—the heads of all this charge, and of the proofs themselves, with their references; to show how far the proof goes to the two lacks, and then to the one lack and a half singly: this we shall put in writing, that you may not depend upon the fugitive memory of a thing not so well perhaps, or powerfully, expressed as it ought to be; and in order to give every advantage to the defendant, and to give every facility to your Lordships' judgment; and this will, I believe, be thought a clear and fair way of proceeding. Your Lordships will then judge whether Mr. Hastings's conduct at the time,—his resisting an inquiry, preventing his servant appearing as an evidence, discountenancing and discouraging his colleagues, raising every obstruction to the prosecution, dissolving the Council, preventing evidence, and destroying it as far as lay in his power by collateral means, be not also such presumptive proofs, as give double force to all the positive proof we produce against him.

The lack and a half, I know, he means to support upon the custom of entertainment; and your Lordships will judge whether or not a man, who was ordered, and had covenanted, never to take more than 400 *l.* could take 16,000 *l.* under

colour of an entertainment. That which he intends to produce as a justification we charge, and your Lordships and the world will think, to be the heaviest aggravation of his crime. And after explaining to your Lordships the circumstances, under which this justification is made, and leaving a just impression of them upon your minds, I shall beg your Lordships indulgence to finish this member of the business to-morrow.

It is stated and entered in the account, that an entertainment was provided for Mr. Hastings at the rate of 200 *l.* a day. He staid, at Moorshedabab for near three months; and thus you see, that visits from Mr. Hastings are pretty expensive things: it is at the rate of 73,000 *l.* a year for his entertainment. We find, that Mr. Middleton, an English gentleman, who was with him, received likewise, whether under the same pretence I know not, and it does not signify, another sum equal to it; and, if these two gentlemen had staid in that country a year, their several allowances would have been 146,000 *l.* out of the Nabob's allowance of 160,000 *l.* a year: they would have eat up nearly the whole of it. And do you wonder, my Lords, that such guests and such hosts are difficult to be divided? Do you wonder, that such visits when so well paid for, and well provided for, were naturally long? There is hardly a prince in Europe, who would

would give to another prince of Europe from his royal hospitality, what was given upon this occasion to Mr. Hastings.

Let us now see what was Mr. Hastings's business during this long protracted visit. First, he tells you, that he came there to reduce all the state and dignity of the Nabob. He tells you, that he felt no compunction in reducing that state; that the elephants, the menagerie, the stables, all went without mercy, and consequently all the persons concerned in them were dismissed also. When he came to the abolition of the Pensions, he says, "I proceeded with great "pain from the reflection, that I was the instru- "ment in depriving whole families, all at once, "of their bread, and reducing them to a state "of penury; convinced of the necessity of the "measure, I endeavoured to execute it with "great impartiality." Here he states the work he was employed in, when he took this two hundred pounds a day for his own pay. "It "was necessary to begin with reforming the "useless servants of the Court, and retrenching "the idle parade of elephants, menageries, &c. "which loaded the civil list. This cost little "regret in performing; but the Resident, who "took upon himself the chief share in this bu- "siness, acknowledges, that he suffered con- "siderably in his feelings, when he came to

"touch on the pension list. Some hundreds of "persons of the ancient nobility of the country, "excluded, under our Government, from al- "most all employments, civil or military, had, "ever since the revolution, depended on the "bounty of the Nabob; and near ten lacks "were bestowed that way. It is not that the "distribution was always made with judgment "or impartial, and much room was left for "a reform; but, when the question was to cut "off entirely the greatest part, it could not fail "to be accompanied with circumstances of real "distress. The Resident declares, that even "with some of the highest rank he could not "avoid discovering, under all the pride of "Eastern manners, the manifest marks of pe- "nury and want. There was, however, no "room left for hesitation; to confine the Na- "bob's expenses within the limited sum, it was "necessary, that pensions should be set aside."

Here, my Lords, is a man sent to execute one of the most dreadful offices, that was ever executed by man, to cut off, as he says himself, with a bleeding heart the only remaining allowance made for hundreds of the decayed nobility and gentry of a great kingdom, driven by our Government from the offices, upon which they existed. In this moment of anxiety and affliction, when he says, he felt pain and was cut to

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the heart to do it, at this very moment, when he was turning over fourteen hundred of the ancient nobility and gentry of this country to downright want of bread; just at that moment, while he was doing this act, and feeling this act in this manner, from the collected morsels forced from the mouths of that indigent and famished nobility, he gorged his own ravenous maw with an allowance of two hundred pounds a day for his entertainment. As we see him in this business, this man is unlike any other: he is also never corrupt but he is cruel; he never dines without creating a famine; he does not take from the loose superfluity of standing greatness, but falls upon the indigent, the oppressed, and ruined; he takes to himself double what would maintain them. His is unlike the generous rapacity of the noble eagle, who preys upon a living, struggling, reluctant, equal victim; his is like that of the ravenous vulture, who falls upon the decayed, the sickly, the dying, and the dead, and only anticipates nature in the destruction of its object. His cruelty is beyond his corruption: but there is something in his hypocrisy, which is more terrible than his cruelty; for at the very time, when with double and unsparing hands he executes a proscription, and sweeps off the food of hundreds of the nobility and gentry of a great country, his eyes overflow

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with tears; and he turns the precious balm, that bleeds from wounded humanity, and is its best medicine, into fatal, rancorous, mortal poison to the human race.

You have seen, that when he takes two hundred pounds a day for his entertainment, he tells you, that in this very act, he is starving fourteen hundred of the ancient nobility and gentry. My Lords, you have the blood of nobles, if not you have the blood of men in your veins; you feel as nobles, you feel as men. What would you say to a cruel Mogul exacter, by whom after having been driven from your estates, driven from the noble offices, civil and military, which you hold, driven from your bishopricks, driven from your places at court driven from your offices as judges, and after having been reduced to a miserable flock of pensioners, your very pensions were at last wrested from your mouths; and who, though at the very time when those pensions were wrested from you he declares them to have been the only bread of a miserable decayed nobility, takes himself two hundred pounds a day for his entertainment, and continues it till it amounts to sixteen thousand pounds? I do think, that of all the corruptions, which he has not owned, but has not denied, or of those, which he does in effect own, and of which he brings forward the evidence himself, the taking and claiming under colour

colour of an entertainment, is ten times the most nefarious.

I shall this day only further trouble your Lordships to observe, that he has never directly denied this transaction. I have tumbled over the records, I have looked at every part to see whether he denies it; he did not deny it at the time, he did not deny it to the Court of Directors: on the contrary, he did in effect acknowledge it, when, without directly acknowledging it, he promised them a full and liberal explanation of the whole transaction. He never did give that explanation. Parliament took up the business; this matter was reported at the end of the Eleventh Report. But though the House of Commons had thus reported it, and made that public, which before was upon the Company's records, he took no notice of it. Then another occasion arises; he comes before the House of Commons; he knows he is about to be prosecuted for these very corruptions: he well knows these charges exist against him; he makes his defence (if he will allow it to be his defence;) but though thus driven he did not there deny it, because he knew, that if he had denied it, it could be proved against him. I desire your Lordships will look at that paper, which we have given in evidence, and see if you find a word of denial of it; there is much discourse, much folly,

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much insolence, but not one word of denial. Then, at last, it came before this tribunal against him. I desire to refer your Lordships to that part of his defence to the article, in which this bribe is specifically charged; he does not deny it there; the only thing, which looks like a denial, is one sweeping clause inserted (in order to put us upon the proof,) that all the charges are to be conceived as denied; but a specifick denial to this specifick charge, in no stage of the business, from beginning to end, has he once made: and, therefore, here I close that part of the charge, which relates to the business of Nundcomar. Your Lordships will see such a body of presumptive proof, and positive proof, as never was given yet of any secret corrupt act of bribery; and there I leave it with your Lordships' justice.

I beg pardon for having detained you so long; but your Lordships will be so good as to observe, that no business ever was covered with more folds of iniquitous artifice than this, which is now brought before you.

END OF THE THIRTEENTH VOLUME.

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